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CODE OF CANONS
OF
THE EPISCOPAL CHURCH
IN SCOTLAND

AS AMENDED, ADOPTED, AND ENACTED BY
A PROVINCIAL SYNOD HOLDEN AT
EDINBURGH IN THE YEARS OF
OUR LORD, 1925, 1928, & 1929

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PREFACE

A PROVINCIAL SYNOD of the EPISCOPAL CHURCH IN SCOTLAND, at meetings held in Edinburgh on the 6th, 7th, 8th, 9th, 13th, 14th, 15th, and 16th days of October, 1925, and 5th, 6th, 7th, 8th, 12th, and 13th days of June, 1928, and at an adjourned meeting held also in Edinburgh on the 12th day of March, 1929, duly passed, confirmed, and enacted the Code of Canons following, with the Appendix thereto annexed, and the Synod declared the said Code, with the said Appendix, to be from and after the 12th day of June, 1929, the CODE OF CANONS of the EPISCOPAL CHURCH IN SCOTLAND, and ordered the same to be promulgated by the several Bishops in their respective dioceses.

As authorised by the Synod, we certify that this edition of the Code of Canons, with the Appendix thereto annexed, is in every respect in accordance with the text of the Canons and of the Appendix as these were passed, confirmed, and enacted as aforesaid.

Signed on behalf of, and as authorised by, the said Synod.

W: BRECHIN: *Primus.*

H. S. REID, *Prolocutor.*

Members of the Provincial Synod

The names of the Members of the Provincial Synod of 1925, 1928, and 1929 are as follows:

- The Most Reverend WALTER JOHN FORBES ROBBERDS, D.D., Bishop of Brechin, *Primus*.
The Right Reverend ARTHUR JOHN MACLEAN, D.D., Bishop of the United Diocese of Moray, Ross, and Caithness.
The Right Reverend KENNETH MACKENZIE, D.D., Bishop of the United Diocese of Argyll and the Isles.
The Right Reverend CHARLES EDWARD PLUMB, D.D., Bishop of the United Diocese of St Andrews, Dunkeld, and Dunblane.
*The Right Reverend GEORGE HENRY SOMERSET WALPOLE, D.D., Bishop of Edinburgh.
The Right Reverend FREDERICK LLEWELLYN DEANE, D.D., Bishop of the United Diocese of Aberdeen and Orkney.
The Right Reverend EDWARD THOMAS SCOTT REID, D.D., Bishop of the United Diocese of Glasgow and Galloway.
The Very Reverend CHARLES PRESSLEY SMITH, D.D., Dean of Argyll and the Isles.
*The Very Reverend GEORGE TAYLOR SHILLETO FARQUHAR, D.D., Dean of St Andrews, Dunkeld, and Dunblane.
The Very Reverend WILLIAM LESLIE CHRISTIE, M.A., Dean of Brechin.
The Very Reverend HARRY SEYMOUR REID, M.A., Dean of Edinburgh, *Prolocutor*.
The Very Reverend COLIN CAMPBELL IM THURN, M.A., Dean of Glasgow and Galloway.
The Very Reverend ROBERT MACKAY, M.A., Dean of Aberdeen and Orkney.
The Very Reverend LEOFRIC MATTHEWS HAY-DINWOODY, M.A., Dean of Moray, Ross, and Caithness.
†The Very Reverend JAMES WALKER HARPER, M.A., Dean of St Andrews, Dunkeld, and Dunblane.
The Reverend Canon WILLIAM PERRY, D.D., Pantonian Professor of Theology, *Vice Prolocutor*.

Representatives of the United Diocese of Aberdeen and Orkney

- The Reverend Canon WILLIAM SHARP BIRNIE PETRIE, M.A., Rector of St Andrew's, Alford.
The Very Reverend HENRY ERSKINE HILL, M.A., Provost of St Andrew's Cathedral, Aberdeen.
‡The Reverend Canon JOHN WILKINSON, then Rector of St Peter's, Peterhead.
The Reverend Canon GEORGE BARTLET, M.A., Rector of St James's, Aberdeen.
The Reverend CECIL ARTHUR STEWART LUXMOORE-BALL, M.A., Rector of St Margaret's, Aberdeen.
||The Reverend VANE WALKER, M.A., Priest-in-charge of St Clement's, Aberdeen.

Members of the Provincial Synod

Representatives of the United Diocese of Argyll and the Isles

- §The Reverend Canon DAVID MOIR, M.A., Rector of St Columba's, Kilmartin, and Rector of Christ Church, Lochgilphead.
- ‡The Very Reverend ROBERT OSWALD PATRICK TAYLOR, M.A., formerly Provost of the Cathedral and College of the Holy Spirit, Cumbrae.
- ‡The Reverend JAMES HUMPHREY COPNER MACFARLANE-BARROW, formerly Rector of All Saints', Inveraray.
- §The Reverend Canon CHARLES WHITWORTH ROBERT LLOYD, B.A., Canon-Missioner, Oban.

Representatives of the Diocese of Brechin

- ‡The Reverend HENRY LINDSAY JOHNSTON, M.A., formerly Priest-in-charge of St Luke's, Strathmartine.
- ‡The Reverend HAROLD THOMAS JOSIAH WARING, M.A., formerly Rector of St Mary's, Broughty Ferry.
- The Reverend Canon HUBERT MITCHELL RANKIN, M.A., Rector of St Mary's and St Peter's, Montrose.
- §The Very Reverend ALAN CAMPBELL DON, M.A., Provost of St Paul's Cathedral, Dundee.
- §The Reverend GEORGE JAMES COSMO DOUGLAS, M.A., Assistant Priest of St Paul's Cathedral, Dundee.

Representatives of the Diocese of Edinburgh

- The Reverend THOMAS WEBSTER HUTTON WHITE, M.A., Rector of St John the Evangelist's, Jedburgh.
- The Reverend Canon ALBERT ERNEST LAURIE, D.D., Rector of Old St Paul's, Edinburgh.
- The Reverend Canon GEORGE EDWARD WILMOT HOLMES, M.A., Rector of All Saints', Edinburgh.
- §The Very Reverend WILLIAM JAMES MARGETSON, M.A., Provost of St Mary's Cathedral, Edinburgh.
- The Reverend Canon WILLIAM HENDERSON-BEGG, M.A., Rector of St Paul's, Edinburgh.
- The Reverend Canon ROBERT JOHN MACKAY, M.A., Rector of St Peter's, Edinburgh.
- The Reverend CLAUD LEONARD BROUN, M.A., Priest-in-charge of St Matthew's, Edinburgh.
- ‡The Reverend Canon JAMES GEOFFREY GORDON, M.A., formerly Rector of St John the Evangelist's, Edinburgh.

Representatives of the United Diocese of Glasgow and Galloway

- The Reverend Canon WILLOUGHBY JOHN HOWELL, M.A., Diocesan Supernumerary of the United Diocese.
- The Reverend Canon EDMUND JAMES PETRIE, M.A., Rector of St Margaret's, Newlands, Glasgow.
- The Reverend WILLIAM BREWS, B.A., Rector of St Augustine's, Dumbarton.

Members of the Provincial Synod

- ‡The Reverend NORMAN JOHN NEIL GOURLIE, M.A., formerly Rector of St Ninian's, Glasgow.
The Reverend Canon CHARLES BERNARD BEARD, M.A., Rector of St Michael and All Angels', Helensburgh.
The Reverend Canon CHARLES ROBERT ROBERTSON, B.A., Rector of St John the Evangelist's, Dumfries.
‡The Very Reverend AMBROSE LETHBRIDGE, M.A., formerly Provost of St Mary's Cathedral, Glasgow.
§The Reverend JAMES GAVIN GRIEVE, Rector of St Columba's, Largs.
§The Reverend DUNCAN MACINTYRE, B.D., Rector of St John the Evangelist's, Greenock.
The Reverend PHILIP CHARLES LEMPRIERE, M.A., Rector of St Bride's, Glasgow.

Representatives of the United Diocese of Moray, Ross, and Caithness

- The Reverend Canon WALTER JENKS, A.K.C., Rector of St Ninian's, Glen Urquhart.
The Very Reverend ALEXANDER AUGUSTIN DONALD MACKENZIE, M.A., Provost of St Andrew's Cathedral, Inverness.

Representatives of the United Diocese of St Andrews, Dunkeld, and Dunblane

- *The Very Reverend Canon JOHN SKINNER WILSON, D.D., formerly Canon of St Ninian's Cathedral, Perth.
‡The Reverend Canon WILLIAM MACDONALD MEREDITH, M.A., formerly Rector of St Columba's, Crieff.
The Very Reverend PATRICK MURRAY SMYTHE, M.A., Provost of St Ninian's Cathedral, Perth.
The Reverend Canon JOHN ARNOTT MACCULLOCH, D.D., Rector of St Saviour's, Bridge of Allan.
§The Reverend Canon WILLIAM CLEMENTS GWYTHYR, M.A., Rector of St Mary's, Birnam.
§The Reverend HERBERT MCNAUGHT, M.A., Rector of Holy Trinity, Pitlochry.
§The Reverend LEOPOLD OCTAVIUS CRITCHLEY, M.A., Rector of Holy Trinity, Dunfermline.

NOTE. *The names of Representatives of each diocese are arranged according to seniority of Ordination.*

* *These Members died between October 1925 and March 1929.*

† *Dean Harper was in 1925 a Representative for the diocese of St Andrews, Dunkeld, and Dunblane.*

‡ *These Members having, before June 1928, resigned their cures, or left the dioceses of which they were Representatives, were not qualified to sit as members of the Synod at its adjourned meetings in 1928 and 1929.*

§ *These Members were elected between October 1925 and June 1928.*

|| *This Member was elected in November 1928.*

AN ACCOUNT OF THE CANONS OF THE EPISCOPAL CHURCH IN SCOTLAND SINCE THE YEAR 1689

[Originally drawn up in 1911]

NOTE. *This narrative is intended only as a help to the historical study of the Canons, and nothing is to be legally inferred from either its statements or its omissions.*

In 1689, during the progress of the Revolution, the Estates of the Kingdom of Scotland, convened by circular letters from the Prince of Orange, met on the 14th of March, and on the 11th of April—after the withdrawal of some who favoured King James—offered the crown to William and Mary. William accepted the crown, and the Convention was turned into a Parliament.

This Scottish Parliament, in July of the same year, passed an Act abolishing “Prelacy and all superiority of any office in the Church in this Kingdom above Presbyters” and repealed the laws in favour of Episcopacy.

In the following year, the same Parliament reinstated in their benefices all surviving Presbyterian ministers (about sixty in number) who “had been thrust from their churches since the first day of January 1661,” and vested the whole government of the Church in them and in such ministers and elders as they might admit and receive.

Though many years elapsed before ministers of the new régime displaced those of the old in the country north of the Tay, still as far as the will of the Parliament could effect it, or the power of the new Establishment could reach, Episcopacy was ruthlessly suppressed, the Bishops were deprived of the emoluments of their sees, and the clergy were ejected with scanty warning and no compensation.

A blow of such severity and suddenness produced, as was inevitable, a state of disorganisation among those who continued loyal to the principles of Episcopacy. The political conditions were too unstable for them to be readily convinced that the Revolution Settlement was to be regarded as permanent. They took no step to adapt the Church’s organisation to its altered circumstances, nor perhaps was it possible

Laws and Acts made in the first Parliament of William and Mary (1689), Chap. III.

Ib. (1690), Chap. II.

Ib. (1690), Chap. V.

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for them to have attempted it at that juncture. The Bishops were, indeed, careful to maintain the succession of their own Order, but they refrained from appointing to particular sees, until at length as the old diocesan Bishops died out it was found that the Church was falling under the rule of a body of Bishops who possessed severally no properly defined jurisdiction. It then became evident that the first step in the reorganisation of the Church must be sought in the restoration of diocesan jurisdiction to the Bishops, and at the request of the Clergy in various parts of the country, particular districts or dioceses were gradually assigned to individual Bishops. For the better regulation of this process the diocesan Bishops, four in number, met in Synod at Edinburgh in 1727, and framed six Canons, which, though relating exclusively to the Episcopal Order, may be regarded as in some measure the groundwork of the Code by which the Church is now governed. Thus, the regulations for the election of Bishops by the Presbyters of a diocese; the subsequent confirmation of such elections by the presiding Bishop, with the consent of the local comprovincial Bishops; the direction given to each Bishop to appoint one of his Presbyters, "who shall be in the place and stead of a dean," with powers to convene his fellow-presbyters, when required, for the election of a Bishop, to preside at the voting, and to return the deed of election to the Metropolitan; and the rule prohibiting a Bishop from performing any Episcopal function in the diocese or district of another without his consent, have all of them counterparts, more or less close, in the present Code of Canons.

A further stage in the reorganisation of the Church was reached in 1731 by the drafting of "Articles of Agreement amongst the Bishops of the Church of Scotland." The Articles provided, *inter alia*, that only "the Scottish or English Liturgy" should be used "in the public divine service"; that no man should be consecrated a Bishop of the Church without the consent and approbation of the majority of the other Bishops; that upon the demise or removal of a Bishop, the Presbyters of the district should neither elect nor submit to another without a mandate from the Primus issued with the consent of the other Bishops; that the Bishops should, by a majority of voices, choose their Primus, "for convocating and presiding only"; and that no Bishop should claim jurisdiction without the bounds of his

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own district. The last of these Articles assigned districts to the several Bishops, declaring however that "by the foresaid division of districts we do not pretend to claim any legal title to dioceses." The distinction made in this last Article finds its explanation in the views held by the Bishops at the time as to the rights of the Crown in the matter of appointments of Bishops to dioceses in Scotland.

The Agreement did not all at once produce unanimity, and political influences still impeded the work of reorganisation. In 1743, however, an Episcopal Synod was held in Edinburgh, which resulted in the unanimous adoption of a Code of Canons, sixteen in number, for the government of the Church. In these Canons the principles embodied in the Agreement of 1731, in regard to the consecration of Bishops and the office of Primus, were reaffirmed and emphasised. The majority of the Bishops were not only to choose a Primus "without respect either to seniority of consecration or precedence of district," but they might override his action in the calling of meetings; might, if he refused to call a meeting when desired by them, meet and act synodically without him; and might, at pleasure, depose him from the office of Primus. If he laid claim to any metropolitanical or vicarial power, or to any further power of any kind not granted by these Canons, he was to be suspended from all Episcopal jurisdiction, even within his own district, until he subscribed and handed in to the Bishops a renunciation of any such claim. Regulations were laid down for the election of Bishops; the appointment of Deans; the ordination and institution of Presbyters; the care of vacant Episcopal districts; the placing under a Bishop's Episcopal jurisdiction of his assistant clergy and the members of his congregation if the congregation of which he was minister was situated in the district of another Bishop; the studies of the Clergy and of candidates for Holy Orders; the admission of the Dean of every district, as a representative of the Presbyters, "to sit in all Synodical meetings" (of the Bishops), "and to propose and reason in all matters of discipline and grievances of presbyters, but not to give any decisive voice"; the acceptance of the votes of absent Bishops if tendered in writing; the excommunication of schismatical Clergymen; and the suspension of any Clergyman who married persons belonging to another congregation without a certificate or recommendation from their proper pastor. It was further enacted

Canon II.

Canon III.

Canon V.

Canon VI.

Canon VIII.

Canon VII.

Canon IX.

Canon X.

Canon XI.

Canon XIII.

Canon XV.

Canon XVI.

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Canon XIV. that, where the Bishops were equally divided in opinion "in Synod or out of Synod," that side of the question should carry upon which the Primus gave his vote.

The Canons of 1743, imperfect as they no doubt were, marked a notable advance towards a complete code of regulations for the conduct of Church affairs. But the troubles that ensued after 1745, and the personal and political disabilities inflicted on the Clergy and Laity by the Penal Laws of 1746 and 1748, not only arrested further progress, but brought the Church to the verge of extinction.

The repeal of the Penal Laws was not effected till 1792, and for some time thereafter attention was so much engrossed with matters of more immediate urgency that there was little thought to spare for the condition of the Canons; but eventually it came to be felt that the needs and circumstances of the Church demanded a thorough revision and enlargement of the Code.

With this end in view, a General Ecclesiastical Synod, consisting of the Bishop and the Dean of each diocese, and a representative of the Clergy from each diocese containing more than four Presbyters, was summoned by the Primus, Bishop John Skinner, and met in Aberdeen on Wednesday, the 19th day of June 1811. The Synod, consisting of six Bishops, four Deans, and four Delegates of the Presbyters, sat for two days, and published the result of its deliberations under the title of "The Code of Canons of the Episcopal Church in Scotland, drawn up and enacted by an Ecclesiastical Synod, holden for that purpose at Aberdeen, on the 19th and 20th days of June 1811." The Code consisted of twenty-six Canons, and contained some new provisions of great importance. Canon V enacted that henceforth every Synod called for the purpose of altering the Code of Canons should be constituted of two Chambers, the first consisting of the Bishops, and the second composed of the Deans and the representatives of the Clergy, one from each diocese with more than four Presbyters. Canon XV was intended to secure "the primary authority" of the Scottish Communion Office as the authorised service of the Church in the administration of the Holy Communion, while it ratified the permission previously granted by the Bishops to retain the English Office in all congregations where it had been in use. The Scottish Communion Office was, however, ordered to be used at all consecrations of Bishops, and every Bishop when

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consecrated was required to give his full assent to it. The Appendix to the Canons contained a "recommendation of a proper clerical habit," in other words, the surplice, which the Clergy were recommended to wear "when publicly reading Prayers, or administering the Sacraments, but to introduce it with prudence and discretion, by explaining, where they find it necessary, the principles on which they have adopted the use of this very decent dress."

The next General Synod, convened by the Primus, Dr George Gleig, Bishop of Brechin, was held at Laurence-kirk on the 18th of June 1828, and two following days. It consisted of four Bishops, four Deans, and six representatives of the Clergy, and enacted thirty Canons under the title "The Code of Canons of the Protestant Episcopal Church in Scotland." Important alterations were made on the Canon relating to Ecclesiastical Synods, by the enactment that Diocesan Synods should be held annually, and that a General Synod, of which the Pantonian Professor of Theology was, *ex officio*, to be a member, should be holden every fifth year, at such time and place as the Primus, with consent of the majority of his colleagues, should determine. The General Synod under this arrangement, however, had other than purely legislative functions assigned to it. It was directed to receive, through the Deans and Synod Clerks, reports on the state of every congregation in the Church: to appoint a committee of one member from each Chamber to frame a general report of the situation of the Church; and the Bishops, synodically assembled, were to hear appeals from Clergy or Laity against the sentence of their own immediate ecclesiastical superior. Then followed a proviso, meant as a barrier against hasty legislation, but open to some difference of interpretation, and running in these terms: "Nor shall any law or canon be enacted or abrogated until the same shall have been submitted to the several diocesan Synods, and approved of by a majority of the Clergy, as well as by a majority of those who constitute the General Synod in which said enactment or abrogation was proposed, and which Synod shall be considered merely as adjourned or prorogued, until the sense of the Church at large respecting the measure be ascertained."

Canon XVI.

Whatever differences may have arisen with regard to the exact drift of this proviso, the Synod which enacted it was itself a proof, as the sequel showed, that some safeguard

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against hasty legislation was by no means unnecessary. Two of the Bishops, Bishop Jolly and Bishop Low, had objected to its being called, and had been absent from its meetings. Bishop Jolly objected to the insertion of the word "Protestant," which had been introduced in the title of the Church, and still more strongly to the apparent subordination, in the sixteenth Canon, of the findings of a General Synod to the pleasure of a majority of the Clergy. The result was that another General Synod, convened by the Primus, Bishop Gleig, and attended by all the Bishops, all the Deans, the Pantonian Professor, and representatives from the six Dioceses, was held in Edinburgh on 17th June 1829. It dropped the clause of Canon XVI of the preceding year which provided for quinquennial General Synods, and amended the provision for a reference to "the sense of the Church at large" by making it read thus: "Nor shall any law or canon affecting the constitution of the Church be enacted or abrogated, unless the same shall have been previously submitted to the several diocesan synods or consistories, and the sense of the clergy of the Church at large respecting the measure be ascertained. But the sense of the clergy at large being the sense of the majority, and the presbyters being more in number than the Bishops, the sense of the clergy at large cannot have the authority of a canon, unless adopted as such by the majority of the Bishops synodically assembled." The word "Protestant" was retained in the title of the Church.

- Canon XL. The next General Synod was held in Edinburgh from 29th August till 6th September 1838, and its Acts were subscribed by the Primus, Dr James Walker, Bishop of Edinburgh, five other Bishops, five Deans, and six diocesan delegates. It was memorable for the institution of "The Scottish Episcopal Church Society," a voluntary association which did excellent service for the support of the Church and the promotion of education in poorer places, and eventually paved the way for the more comprehensive organisation of the Representative Church Council. The labours of the Synod resulted in a Code of forty-one Canons. The word "Protestant"
- Canon II. was omitted from the title and from the Canons; the office of Primus was made tenable only during the pleasure of the Episcopal College; a new Canon was added on the subject of
- Canon IV. Coadjutor-Bishops; the Scottish Communion Office was
- Canon XXI. directed to be used at the opening of General Synods; the use of the surplice "as the proper Sacerdotal Vestment,"

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formerly recommended, was now enjoined; the times for the holding of General Synods were left to the determination of a majority of the Bishops; one representative of the Clergy was admitted for each diocese; written communications from absent Bishops were directed to be considered, but not to be treated as canonical votes, and an important declaration was added that the enactments of a General Synod were to be held as binding, not only the minority in the Synod itself, but all the absent members of the Church. An Episcopal Synod was ordered to be held once every year, and Appeals were to be received there. Two Canons were added in regard to Appeals, and to Accusations against Bishops, Presbyters, and Deacons.

Canon
XXVIII.

Canon XXXII.
Ib.

Ib.
Canon
XXXIII.

Canon
XXXIV.

Canons
XXXV and
XXXVI.

After more than twenty years, in which there had emerged many difficulties, especially in connexion with Judicial Processes, for which the Canons did not sufficiently provide, it was deemed desirable that the whole Code should be submitted to a careful revision. A Committee, consisting of an equal number of the Clergy and of the Laity, was appointed by the College of Bishops in 1859 to consider and report on the subject, and a General Synod, consisting of the Primus, Dr Robert Eden, Bishop of Moray, Ross, and Caithness, six other Bishops, seven Deans, and seven delegates of the Clergy, sat at Edinburgh from 8th till 16th July, and from 30th September till 4th October 1862, and from 3rd till 13th February 1863. By the Canons as then enacted, the representation of the Clergy at General Synods was enlarged, one representative or delegate being allowed for every fifteen Incumbencies and for every additional fraction of fifteen. The Laity were admitted to a voice in the election of Bishops through a representative chosen from each Incumbency; the Bishops were expressly authorised to appoint Lay Readers and Catechists for service in their several dioceses; revised and extended regulations were laid down for the formation of new Congregations, including a proviso "that, under special circumstances, a Bishop shall not be precluded from opening a Mission in any part of his diocese, when to him it may seem desirable"; the office of Dean was made a life appointment, with certain limitations; meetings of Diocesan and Episcopal Synods were directed to be open to the public; a Canon on Vestments, prescribing those "ordinarily now in use in this Church and none other," was adopted; and elaborate regulations were laid down in regard to Accusations

Canon
XXVIII.

Canons III
and IV.

Canon
XXXIX.

Canon XX.

Canon XXI.

Canons XXVI
and XXVII.

Canon XXXII.

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Canons XLIII and XLV. against Bishops, Accusations against Presbyters and Deacons, and Judicial Sentences. By Canon XXIX it was enacted that the English Book of Common Prayer "is, and shall be held to be, the Service Book of this Church for all the purposes to which it is applicable." The use of the Scottish Communion Office was, under Canon XXX, directed to be continued in all Congregations whose practice had been to use that Office; while the Office of the Book of Common Prayer was to be used in all new Congregations, unless the majority of the promoters declared to the Bishop at the outset that they desired the use of the Scottish Office. Power was given to the Bishop to refuse an application for the Scottish Office whenever it might appear to him that undue influence had been exercised in the matter; and, in any case, the Scottish Office might be dropped whenever the Clergyman and a majority of the communicants concurred in disusing it. No corresponding provisions were inserted with regard to the English Office. At all Consecrations, Ordinations, and Synods, the Communion Office of the Book of Common Prayer was ordered to be used.

Canon XX. As time went on, the continued growth and extension of the Church disclosed the need of further revision, and the formation of the Representative Church Council, which had been resolved upon at a conference of Clergy and Laity, summoned by the Bishops and held in Edinburgh in June 1875, called for the canonical recognition of that body. A General Synod was accordingly held in Edinburgh from 10th till 13th October, and from 14th to 16th November 1876. Its constituent members were the Primus (Dr Eden) and six other Bishops, seven Deans, the Warden of Trinity College, Glenalmond, the Pantonian Professor, and fourteen delegates from dioceses. The revision on this occasion dealt mostly with points of detail. Canon XXX was, by resolution of the Bishops, withheld from consideration and continued as in the Canons of 1863. Considerable changes were made in the regulations for the formation of new Incumbencies and the establishment of Missions; and the Bishop's discretion in regard to the opening of Missions, as stated in the Canons of 1863, was modified by the admission of rights of objection and appeal on the part of Incumbents whose interests might be affected. Licensed Presbyters, after two years' continuous work in a diocese, were to become full members of the Diocesan Synod, and to be entitled to vote in the election

Canon XXVI,
4.

An account of the Canons

of a Bishop. The representation of the Clergy in General Synods was extended still further by allowing one representative for every ten electors or fraction of ten. The Representative Church Council consisting of the Bishops and Clergy, certain lay officials, and a lay representative from every congregation of the Church, was, by Canon XLII, "recognised as the organ of the Church in matters of finance only." The Code now consisted of forty-seven Canons in all.

The next General Synod was held in Edinburgh under the Primus, Dr Hugh Willoughby Jermyn, Bishop of Brechin, from 3rd to 13th June, and on 7th October 1890. It was constituted of seven Bishops, including the Primus, seven Deans, the Warden of Trinity College, Glenalmond, the Pantonian Professor, and twenty-five clerical representatives. The result was the enactment of a Code of fifty-one Canons. The Synod declined to confer metropolitical powers upon the Primus, but assigned to him the title of "Most Reverend." The title "Rector" was substituted for "Incumbent" as the canonical designation of an instituted Presbyter. A new Canon was enacted with reference to Cathedrals. The remarkable advance of Church work in various forms within recent years was reflected in more elaborate regulations in regard to the formation, status, and classification of new Congregations or Missions. Canons were added with regard to the offices of Registrar to the Episcopal Synod and of Provincial Accountant, and a provision was made for bringing the expenses of Episcopal and Provincial Synods under the notice of the Representative Church Council. The Canon dealing with the use of the Offices for Holy Communion was again withheld from consideration, and was continued, in the form adopted in 1863, as Canon XXXIV in the new Code. The Canon on Vestments was retained unchanged. The Canon dealing with the Representative Church Council was made more specific by the declaration that the Council "is recognised as the organ of the Church in matters of finance, but shall not deal with questions of doctrine or worship, nor with matters of discipline, save to give effect to Canonical Sentences of the Church." It was also enacted that "the General Synod" should thenceforward be styled "the Provincial Synod."

In the years succeeding this Synod of 1890, much thought was given in the various Diocesan Synods to the subject of a further and more thorough revision of the Canons, which it

Canon III, 5.

Canon
XXVIII, 5.

Canon II.

Canon XVIII.

Canon IX.

Canon XXII.

Canon
XXVIII.
Canon XXIX.

Canon
XXXVI.

Canon XLV.

Canon XXXII.

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was felt would ere long be necessary; and a feeling grew up that in some way or other a recognised position should be assigned to the laity in the legislative work of the Church. In 1903 a special Commission of clergy and laymen was selected by the Bishops, and instructed to inquire and report on the whole subject of legislation in the Church. After exhaustive inquiry, the Commission reported in favour of the institution of a Consultative Council for the whole Church, which should focus the opinions of both clergy and laity on all matters proposed or thought suitable for legislation in the Provincial Synod. This new Council was to consist of the Bishops, five clerical and five lay members elected by the Bishops, representatives of the Clergy chosen from each diocese in the same proportion as for the Provincial Synod, and an equal number of representative laity, to be elected by the lay members of the Diocesan Councils. The constitution of the Council was finally adopted by the Episcopal Synod on 26th October 1905, and the Provincial Synod, sitting on the same day, gave canonical recognition to the new body by an enactment which it added to the Code of Canons as adjusted in 1890. On this occasion the Provincial Synod consisted of the Primus, Dr George Howard Wilkinson, Bishop of St Andrews, Dunkeld, and Dunblane, and five other Bishops, seven Deans, the Pantorian Professor, and twenty-nine diocesan Representatives. The Synod met in Edinburgh, and its scope was advisedly limited to the recognition of the Consultative Council and to certain adjustments in the Canons dealing with Provincial Synods and the Representative Church Council, in order that the fuller reflection of the mind of the Church, rendered possible by its means, might be taken into account when the general revision of the Canons came to be undertaken.

The Consultative Council on Church Legislation thus created met for the first time on 13th June 1906, and at its second meeting, held in October of the same year, it resolved to take up the revision of the Canons. With the assistance of a Committee of its number (the Very Reverend John Skinner Wilson, Dean of Edinburgh, Convener), appointed for the purpose and reporting from time to time as its work proceeded, a thorough revision of the Code was made; and before the end of 1910 the Council submitted its whole suggestions for the amendment of the Canons to the Episcopal Synod for consideration by the Provincial Synod.

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A Provincial Synod was accordingly convened, and met in Edinburgh on 9th May 1911. Dr Walter John Forbes Robberds, Bishop of Brechin, and Primus, presided, and the Synod consisted of the seven Bishops, seven Deans, the Pantonian Professor, and thirty-two elected Presbyters. The suggestions of the Consultative Council on Church Legislation formed the basis of the deliberations. On 18th May, after sitting for seven days, the Synod adjourned to allow time for the publication of the proposed changes for the information of the Church, and for the communication of their precise terms to the Diocesan Synods and the Consultative Council. On 7th December 1911 the Synod reassembled and enacted the following Code of Canons, fifty-three in number, with Appendix Forms numbering twenty-nine.

The changes introduced in the Code as thus amended were very numerous, though the majority of them merely aimed at making its provisions more explicit. The more important alterations were as follows:

In the election of Bishops the right of nomination was extended to Lay Electors; and the voting, though still to be taken by orders, was no longer required to be in separate Chambers. In the event of no election being made within three months after the date of the Mandate, power was given to the meeting of the Electors, by a majority of each order, to delegate the election to the Episcopal Synod. In confirming an election of a Bishop each Bishop was required to intimate to the Primus within twenty-one days whether he assents to the election, or has sufficient reason to be dissatisfied with the suitability of the person elected. Canon IV.

Female as well as male communicants were given a right to take part in the election of Lay Electors, and the regulations for these elections and for securing their validity were made at once more elastic and more explicit. Power was Canon V.

expressly given to Bishops to appoint Commissaries for a limited period, and the powers of Commissaries were defined. Canon VI.

Rectors absenting themselves from their cures without having made due provision for the supply of Sunday services, and without giving a satisfactory explanation to the Bishop, were rendered liable to be deprived of their incumbencies, but only with the consent of a majority of the voting members present in the Diocesan Synod. Canon XIII.

The services of the Book of Common Prayer, and the Scottish Liturgy or Communion Office according to the text Canon XXI.

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adopted by the Episcopal Synod on 7th December 1910, were declared to be duly authorised in the Church for all the purposes to which they are applicable. Congregations in which the Scottish Communion Office was in use in 1910 according to an earlier text were permitted to continue the use of such text in its integrity. Canonical sanction was given to numerous additions to, and deviations from, the authorised services as being permissible in any congregation.

These permissible additions and deviations were for convenience sake placed in the Appendix to the Canons.

It was laid down as the normal standard that the Holy Communion should be celebrated on every Lord's Day in all congregations where in the opinion of the Bishop it is reasonably practicable. And it was declared to be the duty of every Bishop, Priest, and Deacon to say the daily offices privately or publicly when he finds it practicable.

In the use of the Authorised Offices for Holy Communion, power was given to stated majorities of the communicants and the Clergyman of any congregation (unless the title-deeds or constitution of the church prescribe the exclusive use of one of the Offices) to introduce, with the sanction of the Bishop, a change of usage, whether by substituting one Authorised Office for the other, or by establishing the joint use of both, or (where a reasonable number of the communicants, and the Clergyman, desire it) by providing, through additional celebrations, opportunities of communicating according to the Office not ordinarily in use in that congregation. At ordinations, at consecrations of Bishops, and at meetings of Diocesan Synods, the presiding Bishop was given power to appoint the Office to be used: a like power being given to the Primus at meetings of Episcopal and Provincial Synods.

The prohibition of the solemnisation of Holy Matrimony for parties within the forbidden degrees (as specified in the table of forbidden degrees recognised by our Ecclesiastical Laws) was re-enacted; and the Clergy of the Church were also prohibited from solemnising Holy Matrimony for persons, either of whom has had a previous marriage dissolved *quoad civilia* by a civil Court, so long as the other spouse in the marriage so dissolved remains alive.

A practically new Canon was passed on the subject of the Vestures of Priests and Deacons: a new provision was introduced requiring that no change shall be made in the structure

Appendix
No. XXIX.

Canon XXII.

Canon XXIII.

Canon
XXVII.
Appendix
No. XXVIII.

Canon XXX.

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or ecclesiastical ornaments of any church unless the consent of the Clergyman and of the Vestry had been given, and the Bishop had been consulted concerning the proposed change: and the sale or disposal of the holy vessels and ecclesiastical ornaments of any church was forbidden save with the consent of the Bishop, Dean, and Registrar of the diocese. Canon XXXI.

New Canons were passed providing that districts should be assigned to cures of souls: and requiring every Rector or Priest-in-charge to keep a roll of the communicants of his congregation. Canon XXXIV.
Canon XXXVII.

A vote in Diocesan Synod (and consequently in the elections of Bishops, &c.) was conferred on duly licensed Presbyters of the diocese, if for the two years immediately preceding they have officiated in the Scottish Church as instituted or licensed Presbyters. An appeal to the Episcopal Synod was allowed should the Bishop withhold his concurrence from a resolution adopted by two-thirds of the voting members present in his Diocesan Synod. Canon XLVI.

The Canons regulating procedure in cases of accusations and appeals were entirely recast and thrown into one; and Canon LI.

a new Canon was added regulating the mode in which Canon LII.

differences and disputes in connexion with congregational Canon LIII.

affairs are to be disposed of. And lastly, a practically new Canon defined the process deemed sufficient for serving notices under the Canons, and interpreted certain terms employed in the Code.

The Canons were re-arranged in a more natural order.

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CODE OF CANONS

THE PROVINCIAL SYNOD of the Episcopal Church in Scotland enacts and declares that the following shall be THE CANONS OF THE EPISCOPAL CHURCH IN SCOTLAND, hereinafter called the Scottish Church or this Church, from and after the Twelfth day of June A.D. 1929; on which date the Code of Canons hitherto in force is hereby revoked.

CANON I

OF PRESERVING THE EPISCOPAL SUCCESSION AND THE THREEFOLD MINISTRY

1. The Scottish Church, being a branch of the One Holy Catholic and Apostolic Church of Christ, retains inviolate in the sacred ministry the three orders of Bishops, Priests, and Deacons, as of Divine Institution. The right to consecrate and ordain Bishops, Priests, and Deacons belongs to the Order of Bishops only. In accordance with the law and custom of the ancient Church, Bishops shall be consecrated by not fewer than three Bishops in all ordinary cases, and Priests and Deacons shall be ordained by one Bishop. In the ordination of Priests, the Priests present shall join in the laying on of hands.

2. No person shall be consecrated a Bishop of this Church before he has completed the thirtieth year of his age.

CANON II

OF THE ORDERING OF BISHOPS, PRIESTS, AND DEACONS

1. The Ordering of Bishops, Priests, and Deacons shall be according to the "Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons" set forth in the Scottish Book of Common Prayer (1929). At the consecration of Bishops, in the absence of the Primus the senior Bishop present shall act in his place, unless it be otherwise unanimously agreed by the Bishops present.

2. All ordinations of Priests and Deacons shall be held at the Ember Seasons, unless, for reasons which may seem to him sufficient, the Bishop shall appoint another time.

CANON III

OF THE ELECTION AND OFFICE OF THE PRIMUS

1. The Episcopal Synod shall elect one of the Diocesan Bishops to be Primus, when a vacancy occurs in that office. During a vacancy, or in cases where the Primus is personally concerned, the senior Bishop shall have the powers attached to the office, except as otherwise provided in these Canons.

2. The Primus shall have no powers or prerogatives other than those expressly conferred on him by these Canons.

3. Unless otherwise unanimously agreed by the Bishops present, or otherwise provided in a deed of trust or other writing, the Primus shall preside at all Synods and other meetings of the Bishops of this Church at which he is present, and unless otherwise provided shall have a casting as well as a deliberative vote. He shall declare and carry out the resolutions of the Episcopal Synod, and of the College of Bishops.

4. Unless otherwise unanimously agreed, in the absence of the Primus the senior Bishop present shall preside and act in his place, but shall not have a casting vote, except as provided in these Canons.

5. The Primus may resign the office of Primus by written notice to the senior Bishop.

6. The Episcopal Synod may by a majority of three-fourths of the other Diocesan Bishops declare the office of Primus vacant, in respect that they have satisfied themselves that the Primus is physically or mentally incapable of discharging the duties of the office, whereupon the office shall become vacant as if by resignation.

7. The acting Primus, subject to the provision of Canon LI, sections 3 and 4, shall convene a Synod for the election of a Primus within three months of the date of the vacancy, one month's notice of place and date of the Synod being given. The election shall be determined by the majority of votes given.

Vote by proxy shall not be allowed, but no Bishop shall be elected Primus who has not received the votes of a majority of the whole number of those entitled to vote in an Episcopal Synod. An extract from the minutes of the Synod, certified by the Bishop presiding at the election or by the Lay Clerk, shall be sufficient evidence of the appointment. The College of Bishops may (if it seem good to a majority) extend the three months mentioned in this section to six months. In the event of the acting Primus failing to convene a Synod within the said three months, or within six months if the time have been extended as aforesaid, any three Diocesan Bishops may jointly convene it.

8. The Primus shall be designated by the style and title of "The Most Reverend — — Bishop of — —, Primus of the Scottish Church."

CANON IV

OF THE ELECTION OF BISHOPS TO VACANT SEES

1. In case of a vacancy in any see, the Primus shall, within one month after the event, issue a mandate through the Dean, in terms of Appendix I, to the clergy and laity of said diocese entitled to vote, requiring them to proceed to the election of a Bishop.

2. If the office of Dean be vacant, or if the Dean be unable to act, the Synod Clerk, whom failing, a clergyman selected by the Primus, shall act as Dean.

3. On receiving the said mandate, the Dean shall within seven days summon by circular letter a meeting of the electors to be held on such day and at such hour and in such place within the diocese as he shall see fit, provided that the day shall not be less than one nor more than two months from the date of his receiving the mandate.

4. The clergy entitled to vote shall be all Presbyters qualified as at the date of the issue of the mandate to vote in Diocesan Synod under Canon L, section 4. No clergyman shall vote for his own election. The laity entitled to vote shall be the Lay Electors qualified under Canon V. In the election a vote by proxy for one person, whom failing for another, whom again

failing for a third, all to be named in the form of proxy, shall be allowed, provided that a medical certificate declaring the voter's inability to attend on account of sickness accompanies the written proxy, in terms of Appendix II.

5. The Dean shall be Chairman of the meeting for the election, unless he decline, in which case the meeting shall elect as Chairman one of the Clerical Electors. The Chairman, if the Synod Clerk be not present, or if for reasons satisfactory to himself he decline to act, shall appoint a Clerk to the meeting; otherwise the Synod Clerk shall act as Clerk.

6. After Celebration of the Holy Communion the Chairman, at the time and place appointed, shall constitute the meeting and read the mandate. The roll of Clerical and Lay Electors shall then be called, and those present shall answer to their names. Immediately after the roll has been called, objection may be stated to the inclusion of the name of any elector on the roll, but in the case of Lay Electors subject to the provisions of Canon V, sections 10 and 11; and any person claiming to be an elector may ask to have his name included on the roll. Such objection or claim shall be disposed of forthwith, and shall not be competent at a later stage of the proceedings. On the motion of any elector the meeting, before proceeding to the election, may resolve to adjourn to a later period of the same day, or to some subsequent day within one month from the date of said meeting, whereupon the adjournment shall take place accordingly, and if the meeting so direct, the time and place of the adjourned meeting shall forthwith be intimated to the electors by the Dean. At any time the meeting may resolve itself into committee to meet in private for purposes of discussion only, and resume when it sees fit, or it may resolve to adjourn as aforesaid. Nominations, which shall be formally made and seconded in public meeting, shall in due course be called for by the Chairman. In case of more than one name being submitted, a vote shall be taken on each in succession. No person shall be held to be elected unless a majority of the votes of the Clerical Electors present, and of the votes of the Lay Electors present, shall have been given in his favour. Electors who have sent valid proxies shall be counted as present. If on a vote being taken no person shall have a majority as

aforesaid, the proceedings shall begin *de novo*, as from the calling of the roll.

7. If no election shall have been made within three months after the date of the mandate, it shall be competent to the electors, in meeting thereafter assembled, by the votes of a majority of the Clerical Electors present and of a majority of the Lay Electors present as aforesaid, to delegate the right of election to the Episcopal Synod.

8. The failure on the part of any congregation in the diocese to send a Lay Elector to the meeting called for the election of a Bishop shall not affect the validity of the proceedings therein.

9. The Chairman shall decide all questions of order, objections and claims to votes, or other questions arising in course of the proceedings. In the event of objection to his ruling, an appeal either to the Episcopal Synod, or by consent of all parties to the Primus, shall be competent, provided such appeal be taken within fourteen days after the date of the meeting at which the ruling was given. The decision of the Synod or Primus shall be final. If the meeting see fit, it may go on with the proceedings, notwithstanding objection, or may adjourn to allow the same to be disposed of.

10. In disposing of appeals under this Canon, no objection to procedure or votes shall be entertained unless taken at the meeting for the election. The Episcopal Synod or Primus may over-rule objections to the election based on rulings which they hold erroneous, if satisfied that these have not affected the result of the election; they may correct the result, and declare the election to have taken place in conformity with such correction; they may, by sustaining objections, set aside the election; and generally they shall dispose of the appeal as to them shall seem just. If the election be set aside, the Primus shall forthwith issue a mandate for a new election. Unless the election shall take place within three months of the issue of said mandate, or six months of the issue of the first mandate, whichever is longer, the election for that turn shall lapse to the Episcopal Synod.

11. When an election has been made, a declaration stating the result, in terms of Appendix III, shall be signed in triplicate, before the meeting is dissolved, by the Chairman and a Lay

Elector appointed by the Lay Electors. The Clerk to the meeting shall forthwith forward one copy to the Primus; one to the Bishop-elect; and one to the Diocesan Registrar for preservation and registration.

12. The Primus shall forthwith intimate the election to the other Diocesan Bishops, each of whom shall, within twenty-one days thereafter, intimate to him whether he assents to said election or has sufficient reason to be dissatisfied with the suitability of the person elected. Should a majority of the Diocesan Bishops assent to the election, the Primus shall at once confirm the same, in terms of Appendix IV, and the Bishop shall thereupon be vest with jurisdiction in the diocese and all rights and privileges pertaining to Diocesan Bishops in the Episcopal Church in Scotland, provided that if the person elected be not a Bishop, he shall not exercise rights, jurisdiction, or episcopal functions until he has been consecrated to the office of a Bishop. If the majority of the Diocesan Bishops do not assent, the election shall be held null and void, and a mandate shall be issued for a new election.

13. In case the Bishop-elect shall decline to accept election, proceedings shall be commenced *de novo* by the Dean convening, in accordance with section 3, a meeting to elect a Bishop. Unless an election be made within six months of the date of the mandate issued for the election, or within three months from the date of the Bishop-elect declining to accept, whichever is longer, the election shall lapse for that turn to the Episcopal Synod.

14. If no election shall have been made within six months (except as otherwise expressly provided) after the date of the mandate last issued for the election, the right of election to the Bishopric shall lapse for that turn to the Episcopal Synod.

15. In all cases of an election by the Episcopal Synod, in the event of the Synod being equally divided, the Primus or presiding Bishop shall have a casting as well as a deliberative vote.

16. Every person elected to the office of Bishop shall, before the confirmation of his election, make the subscriptions prescribed in Canon XII; and no other promise, either written or

verbal, shall be required from or given by any person as a condition of his confirmation, or of his election.

17. The College of Bishops shall, within two months after the date of confirmation, make provision for the consecration of the person elected and confirmed, unless he be already a Bishop, and the consecration shall take place at latest within three months after the date of his confirmation.

18. During the vacancy of any see, and in the case of a Bishop-elect who has not been consecrated, until he has been consecrated to the office of a Bishop, the Primus shall act as Bishop of the diocese, with full powers.

CANON V

OF LAY ELECTORS

1. In all Incumbencies, and in missions and private chapels qualified under Canons XXXVI, section 7 and XL, section 4 and also in such missions as are qualified under Canon XXXVIII, section 2, the communicants of not less than twenty-one years of age may elect a Lay Elector who shall have a vote in the election of the Bishop.

2. The Lay Elector shall be a male communicant of the diocese, not under twenty-four years of age. His election shall not be valid until he shall have signed a declaration, in terms of Appendix V, that he has been confirmed and is a communicant of this Church and of no other ecclesiastical body not in full communion with the same. He shall hold office for three years, and be capable of re-election. The election of such Lay Elector shall take place at a meeting called for the purpose, and such meeting may be held at any time not more than six months before the expiry of the Lay Elector's term of office, provided that the person elected shall not come into office until the vacancy occurs. The election shall within ten days be intimated, in terms of Appendix V, by the Chairman of the meeting to the Synod Clerk of the diocese for registration, and through him to the Dean; and the declaration, as soon as it is signed, shall be forwarded to the Synod Clerk, and by him to the Dean.

3. No person shall hold the office of Lay Elector for more than one congregation of the diocese at the same time. In case of one who is already a Lay Elector of the diocese being elected by another congregation, such election shall be null and void, and the Synod Clerk shall forthwith notify this to the Rector or Priest-in-charge.

4. Not less than one month before the expiration of any Lay Elector's tenure of office, a notice that the term of office is about to expire shall be issued to the Rector or Priest-in-charge by the Synod Clerk, in terms of Appendix VI.

5. In the event of a casual vacancy in the office of any Lay Elector, intimation thereof shall within fourteen days be made to the Synod Clerk by the Rector or Priest-in-charge of the congregation by which such Elector had been appointed. In all cases where no election is reported within two months after a vacancy has occurred, the Synod Clerk shall notify the fact to the Bishop, who shall within fourteen days issue a requisition, in terms of Appendix VII.

6. Notice of the place, day, and hour of meeting for the election of the said Lay Elector shall be given by the officiating clergyman on the two Sundays on which services have been held immediately preceding such meeting. The meeting may be held on the Sunday on which the notice has been given for the second time. A like notice shall be given in any mission the communicants of which have a right to vote in the election in question.

7. At said meeting the Rector or Priest-in-charge if present shall be Chairman, but shall not have a vote, and in his absence the Chairman shall be elected by the meeting, but shall not have a casting vote.

8. In the case of an equality of votes for a Lay Elector there shall be no election, unless on a second vote, which the meeting may resolve on, a different result is arrived at. If there be no election another meeting shall be called.

9. No election of a Lay Elector shall take place during the vacancy of the see. The tenure of office of any Lay Elector, which would have terminated during, or which has terminated before, said vacancy, shall be continued until the election of a

Bishop has taken place and been confirmed, unless a new Lay Elector has been elected.

10. Objections to the election of any Lay Elector on the ground of want of notice, or of error in form, or of defective procedure at the meeting, or that a majority did not vote for such Lay Elector, or like objections, shall be competent only to a communicant member of the congregation. Intimation of the election shall be given by the Rector or Priest-in-charge publicly in the church on the first Sunday thereafter, and unless a member of the congregation shall intimate to the Synod Clerk objection to the election within twenty-one days thereafter, no such objection shall be entertained. If objection is made, the Bishop shall dispose thereof summarily, and his decision shall be final. So far only as such objections have not been disposed of before the meeting for election of a Bishop, an objection may be stated at said meeting by or on behalf of a member of the congregation.

11. At each annual meeting of the Diocesan Synod the list of Lay Electors shall be submitted by or on behalf of the Synod Clerk, whereupon any member of the Synod, or any Lay Elector, or any communicant member of full age of the congregation, may object to any Lay Elector, on the ground that the congregation electing him have no right to elect a Lay Elector, or that he is not qualified to be a Lay Elector. The Bishop may summarily dispose of such objection, but his decision shall be subject to an appeal to the Episcopal Synod. So far only as such objections have not been made and disposed of prior to the meeting for election of a Bishop, they may be stated at the meeting for the election of a Bishop.

CANON VI

OF DIOCESAN BISHOPS AND THEIR JURISDICTION, AND OF BISHOPS' COMMISSARIES

1. Every Bishop and Coadjutor-Bishop appointed to the charge of a diocese shall reside within the bounds of his diocese, or in some place of access convenient thereto, approved by the College of Bishops. If ill-health or other important considerations shall require absence for a longer period than four months

in any one year, the consent of the College of Bishops shall be obtained.

2. It shall be the duty of every Bishop to visit each congregation within his jurisdiction at least once in every three years, and he may from time to time hold formal visitations thereof and in connexion therewith.

3. It shall be competent for the Bishop, as chief pastor of the diocese, to preach the Word of God, administer the holy Sacraments, and perform all other duties pertaining to the pastoral office, in every church within his jurisdiction, provided that eight days' notice of his intention be previously given to the Rector or Priest-in-charge.

4. No Bishop of one diocese, except as provided in these Canons, shall interfere with the concerns of another diocese.

5. The clergy of a diocese shall take no direction for their official conduct but from their own Bishop, except in the case of a lawful decision of the Episcopal Synod, or of the College of Bishops.

6. No Bishop shall in any diocese other than his own perform any episcopal function without the sanction, nor shall he exercise any other ecclesiastical function against the will, expressed in writing, of the Bishop thereof.

7. In case of inability or partial inability to act, arising from absence, illness, or other sufficient cause, a Bishop may, in terms of Appendix VIII, appoint a Commissary or Commissaries, who shall be Presbyters resident within the diocese, or Bishops, and may delegate to him or them such of his ordinary administrative powers as he sees fit; but not so as to affect the canonical rights or duties of the Dean; nor to give power to make appointments, except as hereinafter stated; nor to exercise rights of patronage, nor to exercise functions of a judicial or semi-judicial character pertaining to the office of a Diocesan Bishop, nor to dispense with or modify requirements of the Canons, so far as the Bishop is authorised to do so; nor to alter or sanction variation in services; nor to represent him in or in connexion with Synods. By way of illustration only, a Commissary may be authorised to accept presentations to Incumbencies and to institute the persons presented, but not

to exercise patronage in the gift of the Bishop; to accept candidates for the ministry, and, where the Commissary is a Bishop, to ordain them, but not to appoint examiners or to dispense with the canonical requirements for such candidates; to issue, but not to cancel (except by agreement), licences to Assistant Curates; to appoint and license Priests to the charge of Independent Missions, but not to cancel the licence of the Priest of any such Mission; to appoint Lay Readers *ad interim*, but not to cancel licences to them; to receive accusations, but not to deal with them: Provided always that no appointment of a Commissary shall be valid for more than four months, unless confirmed by the College of Bishops, and then only for such period as may be specified by said College: Provided also that successive appointments be treated as one appointment for purposes of confirmation, unless made at intervals of not less than twelve months after the cessation of the previous appointment.

8. The Primus may delegate his functions as Primus only with the consent of all the other Diocesan Bishops.

9. Where a Bishop has a Coadjutor-Bishop, either of them may delegate his functions only with the concurrence of the other. But if one is legally incapable of signifying such concurrence, the other may act as provided in section 7 of this Canon.

10. In any case where a Bishop's power to delegate is disputed by any person whose interests are injuriously affected, an appeal at the instance of such person shall lie to the Episcopal Synod: Provided always that in cases where urgency is claimed, a certificate by the Chancellor of the diocese that in his opinion there is urgency, and that the Commissary does possess the power to do the act in question, shall validate the act *ad interim*.

CANON VII

OF COADJUTOR-BISHOPS

1. When a Bishop is by age or infirmity incapacitated for, or unequal to, the full administration of his diocese, a Coadjutor-Bishop may be appointed *ex proprio motu* of the Episcopal Synod, or at the instance of the Bishop, or of the Diocesan Council of the diocese.

2. The Episcopal Synod shall be the sole judges whether in the circumstances of the case such an appointment should be made, but before coming to a decision the Bishops present shall inform themselves as to the financial arrangements proposed to be made for the support of the Coadjutor-Bishop.

3. If the Episcopal Synod decide that the appointment be made, the Primus shall forthwith issue a mandate, in terms of Appendix I, *note*, and shall at the same time intimate the financial arrangements to the Dean of the diocese in question, who shall in turn intimate these to the electors for their information. The election of a Coadjutor-Bishop shall be conducted in the same manner as is provided in the case of an election to a vacant see.

4. The Coadjutor-Bishop may attend Episcopal and Provincial Synods of the Church and other meetings or conferences of the Bishops, and shall be entitled to give his opinion and advice on any matter under consideration, but may only vote in the absence of the Bishop to whom he is Coadjutor.

5. The Coadjutor shall perform such diocesan duties and exercise such episcopal authority in the diocese as may be agreed on between him and the Bishop. If any difference shall arise between the Bishop and his Coadjutor regarding the same, the matter at the instance of either shall be decided by the College of Bishops in meeting assembled, the Bishops concerned taking no part in the decision.

6. When the see becomes vacant, the Coadjutor-Bishop shall forthwith succeed as Diocesan Bishop.

CANON VIII

OF RESIGNATIONS OF BISHOPS AND VACATING OF SEES

1. If a Bishop shall desire to resign his see, he shall give in his resignation to the Primus in writing, or, if he be himself Primus, to the senior Bishop.

2. The Episcopal Synod may declare a bishopric to be vacant on the ground that the Bishop is physically or mentally incapable of discharging his duty, provided that a resolution affirming his incapacity has, after due notice given, been passed

by a two-thirds majority of the members present at the Diocesan Council of the diocese concerned, provided also that such a retiring allowance shall have been provided for the Bishop as shall have been deemed satisfactory by the Episcopal Synod.

CANON IX

OF THE SEPARATION, SUBDIVISION, OR UNION OF DIOCESES, AND OF ALTERING THE LIMITS THEREOF

1. The Episcopal Synod, by a majority of two-thirds of the whole number of Bishops, shall have the power of separating dioceses which have been united, of subdividing existing dioceses, of uniting two or more dioceses under one Bishop, and of transferring any district from one diocese to another diocese; but no such alteration shall be made during the vacancy of any see.

2. No alteration in the limits of a diocese shall be carried into effect without an opportunity being given to the Diocesan Synods and Councils of the respective dioceses to be affected by the proposed change to consider the proposal before the same is carried into effect. The said Synods and Councils shall submit their opinions on the proposal to the Episcopal Synod, which shall consider the same before coming to a decision.

3. The Episcopal Synod may, by a majority of two-thirds of the whole number of Bishops, declare any Church Institution which in their opinion is general in its character to be extra-diocesan, after giving opportunity to the managing body thereof, and to other parties interested, to be heard, whereupon effect shall be given to such declaration. The Episcopal Synod shall in that event appoint one of its members to exercise Episcopal supervision with such powers as may be arranged, but not exceeding the powers of a Diocesan Bishop. The Episcopal Synod may in like manner rescind such declaration.

CANON X
OF CATHEDRAL CHURCHES

1. It shall be in the power of the Bishop of any diocese, with the concurrence of a majority of the Presbyters present in his Diocesan Synod and qualified to vote, to erect a Cathedral, or to appoint any existing church within his diocese (but in such case with the concurrence also of the Rector and of the Vestry) to be the Cathedral Church of the Bishop and of the diocese.

2. In the event of the Bishop of any diocese having appointed any existing church within his diocese to be the Cathedral Church of the Bishop and of the diocese, it shall be in the power of the Bishop, with the concurrence of a majority as aforesaid in his Synod, at any time to appoint any other church within his diocese, or a church built for the purpose, to be the Cathedral in lieu thereof.

3. Every Cathedral constituted after 1890 shall be governed in accordance with a code of statutes approved by the Bishop and by a majority of the Presbyters present in his Diocesan Synod and qualified to vote, and sanctioned by the Episcopal Synod; and any breach of these statutes by a member of the Cathedral body may be dealt with in the same way as if it were a breach of these Canons.

4. The Bishop shall be head of the Cathedral, and under him it shall be governed in such way as the statutes of the Cathedral direct. In each Cathedral there shall be a Chapter consisting at least of a statutory number of Canons, who shall be Presbyters resident in the diocese.

5. The Bishop shall have the use of the Cathedral for all episcopal acts and diocesan functions, provided that the statutory services be not interrupted except with the concurrence of the Chapter.

6. Every member of the Cathedral body, whether clerical or lay, shall be bound to attend any visitation of the Cathedral which the Bishop may hold therein.

Can. XI] *Qualifications of Candidates for Holy Orders*

7. Any Presbyter appointed to the office of Canon of the Cathedral and resident in the diocese shall, while he holds his Canonry, possess the rights of an instituted Presbyter of the diocese. This section shall not apply to honorary Canons.

8. The statutes of any church constituted a Cathedral before 1890 shall have the canonical force mentioned in section 3 if they have been approved by the Episcopal Synod, and section 7 shall apply to all Cathedral Churches; but this Canon shall not otherwise apply to Cathedrals constituted before 1890.

CANON XI

OF THE QUALIFICATIONS, AGE, AND TITLE, OF CANDIDATES FOR HOLY ORDERS

1. Every person to be admitted to the Holy Order of Deacons or of Priests must have obtained a degree or equivalent certificate in some University or College approved of by a formal resolution of the Episcopal Synod, or must be certified by a person or persons appointed by the College of Bishops, in accordance with such regulations as the Episcopal Synod may lay down, to be duly qualified in the liberal Arts.

2. The candidate must also produce a certificate of having attended the usual course of the lectures of the Pantonian Professor of Theology and of the Lecturer on Ecclesiastical History in the Theological College of this Church, or a similar course extending over a period of not less than two academical years at some University or Theological College connected with this Church or with any of the Churches in communion with it. He shall also produce a certificate of his having passed the examination known as the General Ordination Examination in two parts on the following subjects: Old Testament history and theology (including the study of special books), New Testament (including the study in Greek of special books), Systematic Theology, Church History, the History of Christian Worship, Ecclesiastical Latin, Christian Morals, with Hebrew as an optional subject; provided that for the General Ordination Examination may be substituted such other equivalent examination as may be approved by the College of Bishops.

Qualifications of Candidates for Holy Orders [Can. XI]

3. If special and extraordinary circumstances in any case render it inadvisable to exact the requirements set forth in sections 1 and 2 of this Canon, these requirements may be dispensed with, and the ordaining Bishop shall be the sole judge of the propriety of granting such dispensation, but the Bishop granting the dispensation shall report his action, with the reasons therefor, to the Episcopal Synod at its next meeting.

4. Before any person is admitted to the Order of Deacons he shall be examined by two or more Presbyters appointed or approved for that purpose by the Bishop in whose diocese he is to exercise his ministry. Such examination shall include (at least) the Sacred Scriptures; the New Testament in the original Greek; the Creeds; Christian Apologetics; the Ecclesiastical History of Scotland; Liturgiology, including the English and Scottish Liturgies; the Articles of Religion in Latin as well as in English; all the other formularies and the Canons of this Church; and such other subjects in Theology and in Ecclesiastical History as shall be prescribed by the Bishop. The candidate shall be examined by the aforementioned Presbyters as to his fitness for his office as regards the composing and delivery of a sermon, and the distinct reading of the Holy Scriptures in church, and other duties of the ministry.

5. Before any person is accepted as a candidate for the diaconate or the priesthood, the Bishop must satisfy himself of his physical and mental fitness, of his age, and that he has been validly baptized, and confirmed, and by Letters Testimonial, in terms of Appendix IX, of his good life and conversation; and the form usually called *Si Quis* shall be publicly read in the congregation of which he is a member, not more than one month, and not less than fourteen days, before the day appointed for the ordination, and a certificate that it has been so read must be sent to the Bishop, in terms of Appendix X. The Rector or Priest-in-charge shall one week before the ordination inform the ordaining Bishop whether any impediment has been alleged.

6. No one shall be promoted to the Order of Priests until he shall have passed a second examination, to the satisfaction of the Bishop in whose diocese he is to exercise his ministry.

7. No Bishop shall admit any person to the Order of Deacons until such person shall have attained the age of twenty-three years, nor to the Order of Priests until he shall have attained the age of twenty-four years.

8. No person shall be ordained either Deacon or Priest without a Title setting forth his proposed sphere of duty, in terms of Appendix XVII.

9. No Bishop shall admit any person into Holy Orders whose Title is not within his own diocese, unless such person shall bring Letters Dimissory from the Bishop of the diocese wherein his ministry is to be exercised, in terms of Appendix XI.

CANON XII

OF SUBSCRIPTION TO THE BOOK OF COMMON PRAYER AND THE THIRTY-NINE ARTICLES OF RELIGION, AND PROMISE OF OBEDIENCE TO THE CANONS AND TRIBUNALS OF THIS CHURCH

1. No person shall be ordained, licensed, instituted, or collated in the ministry of the Scottish Church until he has first subscribed, on each several occasion, in terms of Appendix XII, his assent to the Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and also to the Articles of Religion agreed upon by the Archbishops and Bishops of both provinces of the realm of England and the whole clergy thereof, in the Convocation holden at London in the year of our Lord one thousand five hundred and sixty-two, nor until he has promised, in terms of Appendix XIII, to render due obedience to the Canons and to the decisions and judgments of the tribunals of this Church, and to show in all things an earnest desire to promote the peace, unity, and order of that part of the Church of Christ in which he shall be authorised to exercise his ministry.

2. No Bishop, Priest, or Deacon shall make any promise or lay himself under any obligation, in connexion with his being admitted to any Order or office in this Church, inconsistent with his retaining his lawful liberty of judgment in performing his episcopal or clerical duties so far as not restrained by his

canonical subscriptions; provided always that nothing herein contained shall affect (a) the right of a Bishop to make lawful conditions as to the performance of duties by Priests or Deacons acting directly under him (such as Priests-in-charge of Independent Missions, Supernumeraries, Diocesan or Prison Chaplains), or the right of a Rector or Priest-in-charge to make like lawful conditions in the case of Assistant Curates; (b) the lawful obligation of any constitution, title, or other like deed, lawfully assented to or accepted by any Bishop, Priest, or Deacon; or shall prevent (c) a full interchange of opinion as to views and intentions between all parties concerned.

3. The form of subscription promising obedience to the Canons of this Church implies only obedience to their requirements, and not necessarily approval of everything therein contained, or that may be supposed to be inferred therefrom.

CANON XIII

OF THE CONDITIONS AND MODE OF INSTITUTION TO, AND OF THE RESIGNATION AND VACATION OF, AN INCUMBENCY

1. When an Incumbency becomes vacant, the right of presentation shall be exercised by the person or persons in whom the said right is vested. If any dispute arise as to the person or persons in whom the right of presentation is vested, the question shall be determined by the Bishop of the diocese, subject to an appeal to the Episcopal Synod, provided that in all cases wherein the Bishop of the diocese is one of the parties in such dispute, the question shall go direct to the Episcopal Synod. On the occasion of a vacancy the Bishop shall be consulted on all names that are proposed, before the patrons proceed to the selection of a Rector or Priest-in-charge. The Bishop shall give formal notice of the terms of this section when a vacancy occurs.

2. No Presbyter shall take upon himself the pastoral charge of any congregation, nor shall he become entitled to the emoluments of any benefice, until the Bishop of the diocese in which such charge or benefice is situated has either accepted the Deed of Presentation, made in terms of Appendix XIV,

Can. XIII] *Of Institution to an Incumbency*

and instituted him, in terms of Appendix XV, or has collated him, in terms of Appendix XV, *note*. Institution shall take place not more than three months after acceptance of the presentation by the Bishop.

3. No Bishop shall institute any clergyman to an Incumbency until such clergyman has produced Letters of Orders, showing that he has been episcopally and canonically ordained, and testimonials, in terms of Appendix XVI. to be subscribed, in ordinary cases after the date of the presentation, by two or more Presbyters and countersigned by the Bishop of the diocese in which they severally serve, nor until such clergyman shall have satisfied the Bishop of his acquirements in literature and theology. If such clergyman is at the date of the presentation instituted or licensed in terms of the Canons within this Church, the Bishop may dispense with testimonials.

4. If the Presbyter presented for institution shall have, within the three years immediately preceding, served in any diocese of one of the Churches in communion with the Scottish Church, but outside the British Isles, the form of testimonial usual in that diocese, signed at the time of or after his leaving it, shall suffice for such part of the three years as the Presbyter has served therein.

5. No Bishop of this Church shall accept a presentation of a Presbyter for institution until he has received concerning him, in addition to the Letters Testimonial mentioned in the two preceding sections, a direct communication or a letter of transfer from the Bishop of the diocese from which he comes: Provided that if the Presbyter be one of those mentioned in the preceding section, the Bishop may suspend his acceptance of the presentation until he has received such a communication or letter of transfer from the Bishop of the diocese outside the British Isles in which the Presbyter has last served.

6. Every Presbyter presented to the Bishop for institution shall, before institution, sign the constitution of the Incumbency and make the subscriptions prescribed in Canon XII.

7. Every presentation shall be accepted, or refused, by the Bishop within three months from the date of his receipt thereof, in a writing under his hand; either the presentee or the patron

being allowed, in case of refusal, an appeal to the Episcopal Synod, or by consent to the Primus.

8. If no presentation to a vacant Incumbency shall be made within six months after the vacancy has taken place, or within six months after the Bishop has refused to accept the presentation already made, the right of presentation shall, for that turn, lapse to the Bishop of the diocese. But the right of presentation shall not lapse to the Bishop in the case of an appeal, until three months after the date of a decision thereon by the Episcopal Synod or the Primus, or until six months after the Bishop has refused the presentation as aforesaid, whichever is longer. In no case shall the right of presentation remain with the patrons for that turn after twelve months have passed since the occurrence of the vacancy.

9. If, in any case in which the right of patronage rests with, or has lapsed to, the Bishop, an Incumbency remain vacant for six months thereafter, the appointment shall, for that turn, lapse to the College of Bishops in meeting assembled, in which case, in the absence of the Primus, the presiding Bishop shall have a casting as well as a deliberative vote. On an appointment thus lapsing, the Bishop of the Diocese shall forthwith intimate the fact to the Primus, who shall then inform the other Diocesan Bishops.

10. If a Rector shall desire to resign his Incumbency he shall do so by a writing under his hand addressed to the Bishop of the diocese; and the Rector shall at once notify to the patrons that he has done so. The vacancy shall not take effect, except with the sanction of the Bishop, until three months after the intimation to the Bishop and to the patrons has been made.

11. An Incumbency shall be vacant if, by resolution of a majority of the Vestry, acting upon the certificate of two registered medical practitioners, one nominated by the Vestry and the other by the Rector himself or his two nearest relatives, whom failing by the Bishop, the Rector of such Incumbency shall be declared physically or mentally incapable of discharging his duty; provided that said resolution of Vestry be approved by the Bishop, which approval shall only be given when the Vestry of the Incumbency so vacated shall have provided such retiring allowance as the Bishop of the diocese

shall deem satisfactory under the circumstances. An appeal may be taken to the Episcopal Synod in cases of dispute.

12. No Deacon shall be presented to an Incumbency.

13. If any Rector shall absent himself for any Sunday without providing for the adequate performance of the ordinary services, and without giving to the Bishop satisfactory explanations therefor, the Bishop may cause a notice to be affixed to the principal entrance of the church, and a copy of the same to be delivered at the Rector's ordinary place of abode, intimating that the Rector is meantime suspended from officiating, and that the Bishop may proceed, with the consent of a majority of the Presbyters present in his Diocesan Synod and qualified to vote, to declare the charge vacant on a stated day not less than two months subsequent to the date of the notice, unless the Rector shall in the interval explain the cause of his absence to the satisfaction of the Bishop. In the event of no explanation being made, the Bishop may on the appointed day, or thereafter, with the consent of a majority of the Presbyters present in his Diocesan Synod and qualified to vote, as aforesaid, declare the charge to be vacant; and shall notify the same to the patrons, who shall proceed to a new presentation as if the vacancy had occurred by death or resignation. The same course shall be taken as soon as may be in the event of an explanation being tendered which the Bishop decides to be so unsatisfactory as to call for a declaration that the charge is vacant; but in this case an appeal at the instance of the Rector shall lie to the Episcopal Synod.

CANON XIV

OF ASSISTANT CLERGY

1. Any Rector, or Priest-in-charge of an Independent Mission, may present, in terms of Appendix XVII, to the Bishop of the diocese a person in Holy Orders, or one who is ready to be admitted thereunto and who has satisfied the requirements of Canon XI, to be licensed by him as Assistant Curate.

2. The conditions of the appointment of an Assistant Curate shall be communicated to the Bishop in writing for his approval or otherwise when he is called upon to grant licence.

3. The appointment of an Assistant Curate is terminable on three months' notice given after consultation with the Bishop by either party to the other, unless otherwise agreed by the parties with the approval of the Bishop, and the Bishop shall then cancel the licence; but if the appointment is conferred by a Title to the Diaconate, it is only terminable during the next two years by mutual consent of both parties, and with the sanction of the Bishop, or if by a Title to the Priesthood, during the year following ordination to that office with like consent and sanction. But if the Rector or Priest-in-charge die or resign before the termination of said periods the Bishop may deal with the matter as he thinks fit. A licence shall not be voided by the death or resignation of the Rector or Priest-in-charge, but it shall be terminable only as aforesaid, provided that during a vacancy of the charge, notice shall be given to or by the Bishop.

4. The Bishop shall grant licence, in terms of Appendix XVIII, in all cases where the person so nominated fulfils the requirements of Canon XI, so far as they are applicable, unless, for reasons which appear to him to be sufficient, the Bishop shall object to grant the licence, in which case the Rector or Priest-in-charge may require the Bishop to obtain the approval of a majority of the other Bishops to his refusal to grant the licence, failing which an appeal shall lie to the Episcopal Synod. Every Assistant Curate, before being licensed, shall produce to the Bishop his Letters of Orders and testimonials as required by Canon XIII, sections 3 and 4, and make the subscriptions prescribed by Canon XII. If such clergyman is at the date of the nomination instituted or licensed in terms of the Canons within this Church, the Bishop may dispense with testimonials. The provisions of Canon XIII, section 5, shall also apply to those clergymen who are presented to the Bishop to be licensed.

5. The licence may be withdrawn by the Bishop at any time for any cause which the Bishop shall judge to be good and reasonable, after having given to the Rector or Priest-in-charge and the Assistant Curate sufficient opportunity of showing reason to the contrary, but an appeal shall lie to the Episcopal Synod. Pending the decision of an appeal against the with-

drawal of a licence, except the cause assigned shall be immoral conduct or behaviour unbecoming the office of a clergyman, the licence shall be held to be valid. In case of the exceptions named the licence shall be held to be suspended.

6. Whenever a Bishop shall grant, withdraw, or cancel a licence to an Assistant Curate, he shall forthwith intimate the fact to the Registrar of his diocese.

CANON XV

OF PRESBYTERS OF THIS CHURCH WHO SERVE IN FOREIGN MISSION FIELDS

Presbyters who are sent out from this Church to serve in Foreign Mission Fields by, or with the sanction of, the Primus, and with the concurrence of the Board of Foreign Missions created under the constitution of the Representative Church Council, in the event of their returning to Scotland directly from such service to become instituted or licensed Presbyters of this Church, shall recover and possess whatever *status*, rights, or standing in the diocese in which they are so instituted or licensed they would have been entitled to possess in virtue of their previous service in this Church at the date of their leaving Scotland. And it is expressly declared that in all such cases the interval during which a Presbyter has served abroad shall not be reckoned to have affected his qualifications to vote whether in the election of a Bishop, or in Diocesan Synod, or in the election of representatives to the Provincial Synod.

CANON XVI

OF THE ADMISSION OF CLERGY OF OTHER DIOCESES TO OFFICIATE

1. The Scottish Church recognises as in full communion with itself the Church of England, the Church of Ireland, the Church in Wales, the Colonial and other daughter Churches of the Church of England, and the Protestant Episcopal Church in the United States of America; and no stranger other than the clergy of these Churches shall be permitted to minister in any congregation of this Church, except as hereinafter provided.

2. No Rector or Priest-in-charge shall permit any clergyman to officiate in his church until he shall have satisfied himself that the said clergyman has been episcopally ordained to the Order to which he professes to belong, and will conform to the doctrine and discipline of this Church.

3. No Rector or Priest-in-charge shall allow any clergyman not already instituted or licensed or holding a written permission to officiate in this Church to conduct service within his charge for more than two Sundays in any one year without previously informing the Bishop of the diocese; and no clergyman from whatever diocese shall officiate for more than four Sundays in any one year without permission in writing under the hand of the Bishop of the diocese, in terms of Appendix XIX.

4. No stranger clergyman shall be appointed to any temporary charge in this Church unless he is able to produce a satisfactory recommendation from the Bishop of the diocese in which he has last served.

5. The Rector or Priest-in-charge of every congregation of this Church shall require every clergyman who officiates in his congregation, if he be not already instituted or licensed in this Church, to inscribe in a book, which shall be kept in the vestry for that purpose, his name, his present preferment (if any), the title of the Bishop by whom he was ordained, the date of his ordination as Deacon and Priest, and the date when he so officiated.

6. The Bishop of any diocese shall have power to inhibit, in terms of Appendix XX, any Bishop, or any Priest or Deacon not of his own diocese, from preaching or performing any ecclesiastical function within the diocese, and if the person so inhibited should disregard the inhibition, the Bishop inhibiting shall report him to his ecclesiastical superior; and shall also report the inhibition, with the grounds of the same, to the next Episcopal Synod.

7. Any clergyman of the diocese, knowingly disregarding the inhibition by allowing the inhibited person to officiate, shall be liable to admonition; and if the admonition be disregarded, the Bishop may take proceedings against him in Synod.

CANON XVII

OF OTHERS WHO MAY BE PERMITTED TO OFFICIATE IN CHURCHES

1. If at any time it shall seem desirable to the College of Bishops, in view of some project of Reunion, to invite representatives of other Communions to give addresses in some suitable church or churches of this Province, it shall be open to them to do so, provided that the Bishop of the diocese and the Rector or Priest-in-charge of the church consent.

2. A Bishop, on the application of the Rector or Priest-in-charge of any church within his diocese, may grant permission to any layman in communion with the Scottish Church to address the congregation in that church at any service on special occasions, or to conduct a service other than and distinct from the Canonical services. Nothing in this section shall be held to limit the functions of Lay Readers as defined by the Canons.

3. The Bishop may also, on the application of any Rector or Priest-in-charge in his diocese, subject to such regulations as the College of Bishops may from time to time enact, after ascertaining in such way as he sees fit that the proposal is not unacceptable to the congregation, grant permission to any woman in communion with the Scottish Church to give addresses, or to conduct a service in the church other than and distinct from the Canonical services, such services being especially intended for women and children.

CANON XVIII

OF THE RESIDENCE OF CLERGY

1. Every Rector and Priest-in-charge of a cure of souls shall reside in the parsonage, unless for sufficient reason to be approved of by the Bishop he be exempted from so doing; or, if there be no parsonage, in some place to be approved of by the Bishop, within easy and convenient distance from his church, and accessible to the members of his congregation.

2. The Bishop may require every clergyman licensed to a definite sphere of duty to reside in some place conveniently situated for the performance of such duty, to be approved of by the Bishop.

3. No clergyman shall absent himself from his charge without providing for the adequate performance of his duties, nor shall any clergyman be absent from his charge for more than two months in the same year without obtaining the written consent of the Bishop.

CANON XIX

OF THE PROPER CLERICAL STUDIES

The clergy of this Church shall apply themselves diligently to the reading of the Holy Scriptures, and to such studies as help to the knowledge of the same, including the writings of the Fathers of the primitive Church, that they may be able in their sermons and otherwise to instruct the people under their charge in the true catholic doctrine and principles of the Church.

CANON XX

OF CLERGY WHO ABANDON THE SERVICE OF THE CHURCH

If any Bishop, Priest, or Deacon shall abandon the service of the Church and betake himself to any worldly business, or shall forsake the communion of the Church, he shall not be allowed to resume the exercise of any ministerial office in this Church until he shall have been reponed therein, in the case of a Bishop by the Episcopal Synod, and in the case of a Priest or Deacon by the Bishop of the diocese in which he last served.

CANON XXI

OF LAY READERS AND CATECHISTS

1. Any Bishop may appoint Lay Readers or Catechists to serve in his diocese, or in any specified part thereof where there is no Rector or Priest-in-charge, as he may deem expedient,

always subject to the limitations laid down in Canon XXXVI, section 3.

2. When a Rector or Priest-in-charge desires to have a Lay Reader or Catechist appointed, he shall, with permission of the Bishop of the diocese and subject to his approval, make a nomination in terms of Form A, Appendix XXI, such nomination to be accompanied by the names of two adult male communicants ready to testify to the character and fitness of the proposed Lay Reader or Catechist, should confidential inquiry be made of them by the Bishop.

3. The Bishop shall require every Lay Reader or Catechist to sign a declaration in terms of Form B, Appendix XXI, and may thereafter give him a licence in terms of Form C, Appendix XXI, or in such other form as the Bishop may deem right.

4. Every Lay Reader or Catechist so appointed shall be subject to the regulations bearing on the discharge of duties of Lay Readers or Catechists prescribed by the Bishop of the diocese, and the licence given may be cancelled at any time at the discretion of the Bishop.

5. In the event of the appointment of a new Rector or Priest-in-charge, the licence shall be continued only on his application.

CANON XXII

OF DEACONESSSES

1. The Order of Deaconesses is recognised by the Scottish Church.

2. The form and manner of making Deaconesses shall be that which may be approved from time to time by the Episcopal Synod, but shall contain provisions for—

- (a) prayer by the Bishop and the laying on of his hands;
- (b) a formula giving authority to execute the office of a Deaconess in the Church of God;
- (c) the delivery of the New Testament by the Bishop to each candidate.

3. The functions of a Deaconess shall be such as may from time to time be determined by the Episcopal Synod, provided that if she conducts a service or gives an address in church these shall be only such as are specially intended for women and children, and shall be other than and distinct from the Canonical services.

4. The requirements to be demanded of candidates for the Order of Deaconesses shall be such as the Episcopal Synod may from time to time direct.

5. Before any person is admitted to the Order of Deaconesses, the Bishop shall satisfy himself that she has fulfilled the requirements of the Episcopal Synod, that she has been nominated to a proposed sphere of duty within the Bishop's diocese in terms of Appendix XXII A, and that she has subscribed the Declaration of Assent and Obedience in terms of Appendix XXII B.

6. Subject to the provisions of this Canon, any Rector or Priest-in-charge may apply to the Bishop to license a Deaconess to serve in his charge, and the Bishop, after ascertaining in such way as he sees fit that the proposal is not unacceptable to the congregation, may give her a licence in terms of Appendix XXII C.

7. Subject to the provisions of this Canon, any Bishop, after ascertaining in such way as he sees fit that the proposal is not unacceptable to the congregation, may license Deaconesses to serve where there is no Rector or Priest-in-charge, or in any part of his diocese which lies outside the limits assigned to cures of souls.

8. The conditions of the appointment of a Deaconess shall be communicated to the Bishop in writing for his approval or otherwise, when he is called upon to grant licence.

9. The appointment of a Deaconess is terminable on three months' notice given by either party to the other, after consultation with the Bishop, unless otherwise agreed by the parties with the approval of the Bishop, and the Bishop shall then cancel the licence.

10. The licence may be withdrawn by the Bishop at any time for any cause which the Bishop shall judge to be good and reasonable, after having given to the Rector or Priest-in-charge

and the Deaconess sufficient opportunity for showing reason to the contrary.

CANON XXIII

OF DIVINE WORSHIP AND ADMINISTRATION OF THE SACRAMENTS AND OTHER RITES AND CEREMONIES OF THE CHURCH

1. The authorised Service Books of this Church are—the Scottish Book of Common Prayer approved by the Provincial Synod of 1929, and the Book commonly called the Book of Common Prayer of the Church of England, according to the Book annexed to the Act of Parliament XIV, Carol. II, Cap. 4.

2. In conducting the services given in these books the clergyman is bound by the rubrics which direct how they are to be performed; and may not depart from these books in public prayer and in the administration of the Sacraments and in the performance of other services, except as specified in these Canons. A clergyman is bound to follow the directions of either of the authorised Service Books, except as modified in these Canons.

3. Any service in the Scottish Book of Common Prayer above mentioned may be substituted at the discretion of the Minister for the corresponding service of the above-mentioned Book of Common Prayer of the Church of England, provided that each such service be substituted in its entirety, and be used subject to the rules and rubrics applicable thereto. Subject to sections 4, 5, 6 of this Canon, the authorised offices of Holy Communion shall be used in the manner appointed in one or other of these books without amalgamation.

4. The English “Alternative Order for the Administration of the Lord’s Supper or Holy Communion” (1928), if and when the Episcopal Synod is satisfied that it has been authorised in the Church of England, may be substituted, either at all or at certain celebrations, for the Communion Office in the Book of Common Prayer of the Church of England mentioned in section 1, with the consent of the Bishop, the Rector or Priest-in-charge, and a two-thirds majority of the communicant members of a congregation present at a meeting called in terms of Canon

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XXV, section 3; but it may not be substituted for the Scottish Communion Office.

5. In any congregation where the Scottish Communion Office was in use in 1910, according to an older text than that contained in the "Book of Common Prayer (Scotland)" (1912), such text in its integrity may be retained in use in that congregation.

6. The Scottish Communion Office of 1764 may on the same conditions as those named in section 4 be substituted for the Scottish Communion Office of 1929.

7. Nothing in this Canon shall prohibit a Bishop from sanctioning translations of the above-mentioned Service Books into the Gaelic or other language for use in such places or on such occasions as he sees fit.

CANON XXIV

OF REGULATIONS AFFECTING DIVINE SERVICE

1. In every congregation the Holy Communion shall be celebrated, when in the opinion of the Bishop it is reasonably practicable, at least on every Lord's Day and on the Great Festivals.

2. It shall be the duty of every Bishop, Priest, and Deacon to say privately or publicly Morning and Evening Prayer daily when he finds it practicable, and every Rector or Priest-in-charge shall provide Morning and Evening Prayer in the church which he serves at least on every Lord's Day, and on Christmas Day, Epiphany, Ash Wednesday, Good Friday, and Ascension Day, unless the Bishop of the diocese for weighty reasons shall grant a dispensation.

3. One of the authorised litanies is appointed for use especially on Sundays, Wednesdays, Fridays and the Rogation Days, and at other times when it shall be commanded by the Bishop; and shall always be said at least on one Sunday in the month, and on Ash Wednesday and Good Friday.

4. The Penitential Service for Ash Wednesday shall be used on that day in every charge in one or other of the authorised forms.

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5. The Episcopal Synod shall have power to substitute in the Scottish Book of Common Prayer a revised translation of the Psalter, when it is satisfied that such revised translation has been authorised in the Church of England.

6. The Lessons to be read at Morning and Evening Prayer shall be those appointed in the Lectionary authorised for use in the Church of England by XXXIV and XXXV Vict., Cap. 37, or the Scottish Book of Common Prayer mentioned in the preceding Canon. The Episcopal Synod shall have power to authorise amendments in the Table of Lessons hereafter. The Lessons shall be read either according to the English version of 1611, or according to the Revised Version of 1881, 1884, and 1894. Before either version can be substituted for the other in any church, the sanction of the Bishop must be obtained, and the Bishop shall give those members of the congregation who desire to make representations to him on the subject the opportunity of doing so. Nothing in this section shall prohibit the Bishop from sanctioning the reading of the Lessons in the Gaelic or other language in such places or on such occasions as he sees fit.

7. It shall be in the power of each Diocesan Bishop, subject to such restrictions as the Episcopal Synod may impose, to issue Forms of Prayer and appoint special Psalms and Lessons for such occasions as may seem to him to require them. It shall also be in the power of the Bishop to sanction, by writing under his hand, the omission on week days (other than Christmas Day, Good Friday, and Ascension Day) of such portions of the Order for Morning or Evening Prayer as he may think fit.

8. Whenever it is intended to have any sermon or lecture or any special service in the church in addition to the regular services as required in these Canons, it shall be lawful for the Minister, with the sanction of the Bishop, to use whatever he thinks proper from the Bible, or the authorised Service Books of this Church, or to use any special form of service approved by the Bishop.

9. No hymn or collection of hymns to which the Bishop has signified his objection in writing shall be used in any church. During Divine Service and preparatory practice for the same the Rector or Priest-in-charge shall have entire control over

the organ and choir. So far as not otherwise regulated by the constitution of the church, the use of the organ at other times shall be at the discretion of the Rector or Priest-in-charge.

10. All persons attending Divine Service shall show the accustomed reverence at the mention of the Name of JESUS, especially in the creeds.

11. Inasmuch as sundry inconveniences may arise from important changes, although authorised in these Canons, being suddenly made in the customary arrangements and conduct of services, it is declared that it shall be the duty of the Rector or Priest-in-charge of a congregation to satisfy himself reasonably that such a change is not unacceptable to the congregation generally.

CANON XXV

OF THE USE OF THE AUTHORISED OFFICES FOR HOLY COMMUNION

1. In all churches and congregations the usage in respect of the Authorised Offices for Holy Communion shall be continued unless and until a change be made with the Bishop's sanction in accordance with the provisions of sections 2, 3, 4, or 5 of this Canon: Provided always that no change whatever shall be made so long as the exclusive use of either Office or conjoint use of both is prescribed by the constitution or titles of the particular church or congregation.

2. The Bishop shall not sanction the substitution of one of the Authorised Offices for the other where one Office has been in sole use, nor the discontinuance of either of them at the accustomed times where both have been in ordinary use, unless he be petitioned to sanction such change of usage by the Rector, or Priest-in-charge, and by not less than two-thirds of those whose names are on the Communicants' Roll of the congregation; nor until a definite written undertaking is entered into by the Rector or Priest-in-charge to provide such additional celebrations of Holy Communion according to the Office proposed to be discontinued as may be asked for by any three or more communicants whose names are at the time of the change on the Communicants' Roll, and as may be considered

by the Bishop to be reasonable under the circumstances. This written undertaking shall bind not only the Priest who enters into it, but also all successors duly appointed to his office, until the Bishop on cause shown shall release them from it.

3. The Bishop may sanction the ordinary use of both of the Authorised Offices in any congregation where only one of them has been in use, if, at a meeting of the communicant members of said congregation called for the purpose, and held after notice of the same has been given during Divine Service on two successive Sundays, a resolution has been carried by not less than two-thirds of those present, with the concurrence of the Rector or Priest-in-charge, in favour of such ordinary use of the two Offices, specifying the times at which each shall be used, or leaving the determination thereof, in whole or in part, to the discretion of the Rector or Priest-in-charge. The Bishop from time to time may sanction an alteration in the times at which each Office shall be used, if at a meeting as aforesaid a resolution altering said times has been carried by a similar majority with the concurrence of the Rector or Priest-in-charge.

4. In any congregation in whose church only one of the Authorised Offices is in use, if 25 communicant members whose names are on the Communicants' Roll (or, in cases where the names on the roll number less than 75 in all, if one-third at least of such total number of communicants on the roll) formally express a desire in writing to have additional celebrations of Holy Communion provided according to the Office not in use in the church; and if the Rector or Priest-in-charge formally signify his assent, the Bishop may, if he see fit, sanction such scheme as the Rector or Priest-in-charge shall propose for such additional celebrations: Provided always that, unless with the general assent of the communicants of the congregation, the scheme does not interfere with the times ordinarily set apart for the service of Holy Communion in that particular church.

5. The Rector or Priest-in-charge of any church may, with the sanction of the Bishop, hold or authorise to be held a celebration of the Holy Communion for a special assemblage on a special occasion according to either of the Authorised Offices, provided that such special celebration be not forbidden

by the constitution or title of the church and shall not, unless with the general assent of the congregation, take place at a time ordinarily set apart for the service of Holy Communion in that church.

6. In all new congregations formed after the date at which this Canon comes into force, the Office or Offices to be used at the celebrations of Holy Communion shall be as expressly desired by the majority of the communicant members of the congregation and sanctioned by the Bishop. Should no desire in writing be expressed by the congregation on the subject, the usage shall be as the Bishop may direct. No change shall be made in the original usage as sanctioned or directed by the Bishop, except in accordance with the provisions set forth in the four preceding sections of this Canon, or in any one of them.

7. The Bishop of the diocese shall be the final judge of all questions arising out of section 5 of this Canon, but under sections 2, 3, 4, and 6, an appeal shall lie from the Bishop's judgment to the Episcopal Synod at the instance either of those who desire or of those who oppose the change.

8. At the consecration of churches the Holy Communion shall be celebrated according to the Office or either of the Offices ordinarily in use in the congregation. At ordinations of Deacons and of Priests, and at consecrations of Bishops, the Office shall be that appointed by the Bishop officiating or presiding at such ordination or consecration. At meetings of Diocesan Synods the Office shall be that appointed by the Bishop. At meetings of Episcopal and Provincial Synods the Office shall be that appointed by the Primus or the Bishop acting in his place.

CANON XXVI

OF REPELLING FROM HOLY COMMUNION

1. For the safeguarding of the Holy Mysteries and for the wellbeing of the Church, it is declared that it is the inherent right of the Bishop of a diocese to repel offenders from Communion, for good and sufficient causes.

2. If a person be living in open and unrepented sin, the following procedure shall be observed. The Priest of the charge

in which the case occurs shall without delay give warning to such person, and, if he be unrepentant, shall report the whole matter to the Bishop, and thereafter proceed as the Bishop may direct, provided (a) that the Priest in an unforeseen urgent case, if satisfied of urgency, may refuse Communion to such person until he can bring the matter before the Bishop; (b) that the Bishop shall give such person an opportunity of being heard by him before giving his decision; and (c) that in his decision the Bishop shall observe any regulations that may have been made on the subject by the College of Bishops.

3. A person repelled may require the Bishop to consult the College of Bishops as to whether or not he should continue to be repelled, and the College, after such informal enquiry as they think right, shall give their opinion on the subject to the Bishop, who shall give effect to it. The opinion shall be communicated to the person aggrieved. The Bishop, before repelling from Communion, may himself consult the College of Bishops and take their opinion on the course that he should pursue; in which case he shall follow that opinion, and no further appeal shall be allowed. In this case also the College shall make such reasonable enquiry as they think right.

CANON XXVII

OF THE ADMINISTRATION OF HOLY BAPTISM

1. In the administration of the Sacrament of Baptism the sponsors must have been themselves baptized, and shall, if possible, be communicants.

2. In default of others, the parents of the child may be admitted as sponsors, and in cases of necessity, of which the clergyman shall be judge, one sponsor shall be deemed sufficient.

3. The clergy shall admonish parents of the propriety of bringing their children to be baptized in the church, and they shall not baptize in houses unless, by reason of distance or other reasonable impediment, the child cannot well be brought to church. In the case of baptism in private houses it shall be permissible to use the office of Public Baptism.

4. When a person who applies to be admitted into the communion of this Church shall express a doubt of the validity of the baptism which he has received, the clergyman to whom the application is made may baptize the person in the form of words prescribed in the authorised Service Books of this Church in cases of doubt: "If thou art not already baptized, *N.*, I baptize thee In the Name of the Father, and of the Son, and of the Holy Ghost. Amen." But if the clergyman be satisfied that the proper matter and form of words have been used at the baptism the validity of which is doubted, he shall not baptize him.

CANON XXVIII

OF CATECHISING

The clergy shall set apart a due portion of time on Sundays and other convenient days for publicly examining and instructing the younger members of their congregations in the Catechism contained in the authorised Service Books of this Church. Any other catechism or other manual of instruction, in addition to the Church Catechism, can only be used if sanctioned by the Bishop of the diocese.

CANON XXIX

OF THE ADMINISTRATION OF CONFIRMATION OR LAYING ON OF HANDS

1. Confirmation shall be administered by the Bishop of each diocese at least once in three years in every charge in his diocese where there are candidates, and as much more frequently as the circumstances of each charge may require. If the Bishop be unable to perform this duty personally, he shall commission some other Bishop to act in his stead.

2. The Bishop shall give due notice to every clergyman of the time and place at which Confirmation is to be administered for members of his congregation, and the clergyman shall earnestly endeavour to prepare those of his congregation who are desirous of receiving this holy ordinance.

3. Before presenting any candidate for Confirmation the clergyman shall satisfy himself that the candidate has been baptized.

4. Not less than seven days before the Confirmation, unless the Bishop dispense with notice, the clergyman shall give to the Bishop a list of the persons to be presented for Confirmation, and he shall answer any question that may be put to him by the Bishop respecting their ages and qualifications.

5. Each candidate for Confirmation shall, whenever possible, have a Witness present as his Godparent at Confirmation.

6. A certificate of Confirmation, signed by the Bishop, shall be given to each of the newly confirmed.

CANON XXX

OF THE SOLEMNISATION OF HOLY MATRIMONY

1. No clergyman of this Church shall solemnise Matrimony until he has been satisfied that the civil law of Scotland relating to the publication of intention to contract a regular marriage has been duly complied with; nor in the case of either or both of the parties not being a citizen (or citizens) of the United Kingdom until he is satisfied that the preliminary conditions needed to constitute the proposed marriage a valid marriage under the laws of the country or countries to which the party or parties belong, whether within the British dominions or not, have been duly complied with.

2. No clergyman shall perform the Marriage Service, nor shall he permit it to be performed in the church which he serves, for parties who are within the forbidden degrees, as specified in Appendix XXVIII, nor for parties either of whom has had a previous marriage dissolved *quoad civilia* in a civil Court, so long as the other spouse in the marriage so dissolved remains alive. This section shall not apply to cases in which a decree of nullity of marriage *ab initio* has been pronounced by a civil Court.

3. A clergyman may use the form of benediction provided in the Scottish Book of Common Prayer (1929) to meet the case of those who ask the benediction of the Church after an irregular

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marriage has been contracted, or after a civil marriage has been legally entered into, provided only that the clergyman be satisfied that the marriage is not contrary to section 2 of this Canon.

4. The solemnisation of marriages shall take place in church, except with the written sanction of the Bishop.

CANON XXXI

OF THE VISITATION OF THE SICK

It shall be the duty of every clergyman to visit the sick members of his congregation, and to administer all suitable comfort and instruction, either according to the Order for the Visitation of the Sick, as appointed in the authorised Service Books of this Church, or in such other way as he shall think most needful and convenient.

CANON XXXII

OF THE BURIAL OF THE DEAD

At the burial of the dead the rubrical directions of the authorised Service Books of this Church shall be complied with so far as the circumstances permit.

CANON XXXIII

OF THE VESTURE OF PRIESTS AND DEACONS

1. In the performance of the public services of the Church it shall suffice that Priests and Deacons be vested in surplices. With regard to the use of other vestures instead of or in addition to the surplice, seeing that sundry inconveniences do often arise from sudden changes in local uses thereof, if objection in writing be made by any considerable number of the communicants in any congregation to the introduction or proposed introduction of vestures other than those previously in use, or to the disuse or proposed disuse of vestures customary in that congregation, the matter shall be referred to the Bishop, who may forbid or modify such introduction or disuse, subject to an appeal to the Episcopal Synod.

2. Nothing in the preceding section shall be taken to prohibit the clergy from wearing a stole or a scarf, or prohibit graduates of Universities, or any who have passed through recognised Theological Colleges, from wearing their proper hoods.

CANON XXXIV

OF THE STRUCTURE, ORNAMENTS, AND MONUMENTS OF CHURCHES, AND THE DUE CARE THEREOF

1. No change, whether by introduction, alteration, or removal, shall be made on the structure, ecclesiastical ornaments, monuments, or painted windows of any church used for public worship, unless with consent of the Rector or Priest-in-charge and of the Vestry of the same, nor until the Bishop shall have been consulted concerning the proposed change: Provided always, that subject to the constitution or titles of the church an appeal by the party or parties desiring the change may be taken to the Bishop, should their desire be rejected by the Rector or Priest-in-charge, or by the Vestry. Should the Rector or Priest-in-charge feel aggrieved by the Bishop's decision an appeal shall lie to the Episcopal Synod.

2. None of the holy vessels or ecclesiastical ornaments of any church shall be sold, exchanged, or otherwise disposed of without the written consent of the Bishop, Dean, and Registrar of the diocese.

3. The Rector or Priest-in-charge shall cause all proper care to be taken of the places of public worship within his charge, and of the furniture and ornaments thereof, and shall use every endeavour to keep them decent, clean, and in good repair. It shall be the duty of every Churchwarden, Vestryman, and Manager of a congregation to assist the Rector or Priest-in-charge in this, and also in making provision for the adequate protection and insurance of all church fabrics and property.

4. No church that is consecrated or set apart for public worship shall be used for any purpose not religious or ecclesiastical.

CANON XXXV
OF INCUMBENCIES

1. No congregation shall hereafter be constituted an Incumbency until a church or suitable building for Divine Worship shall have been provided to the satisfaction of the Bishop, nor until a constitution for the said church shall have been sanctioned by him in writing; nor until the Executive Committee of the Representative Church Council has granted a certificate that the requirements of the Council as to title-deeds of property and provision for the maintenance of the ministry have been complied with. The Bishop on receiving an application from any congregation, or from any persons in his judgment representing the same, that the said congregation shall be declared an Incumbency, and on receiving the foresaid certificate shall submit the said application and certificate to the next meeting stated or special of the Diocesan Synod, and after giving the members of Synod an opportunity of being heard, shall announce his decision thereon. If the decision of the Bishop shall not agree with that of a majority of the Presbyters present and qualified to vote, an appeal to the Episcopal Synod, or by consent to the Primus, shall be competent at the instance of the applicants or of the said majority.

2. If at any time it shall happen that a charge which has attained to the position of an Incumbency shall become so reduced in numbers or in financial resources that the constitution of the church can no longer be kept in operation, nor provision made for the maintenance of the ministry, it shall be competent for the Bishop, with the consent of the majority of the Presbyters present in his Diocesan Synod and qualified to vote, to declare that such charge shall cease to be an Incumbency; due provision being at the same time made by the Bishop for the preservation of registers, title-deeds, and all other property belonging to the church, and for the maintenance of trusteeships connected with the same. And such charge may thenceforward hold the position of a mission: Provided always that any persons whose interests may be injuriously affected by the decision may appeal to the Episcopal Synod. The declaration of the Bishop shall be notified to the

congregation in such way as he thinks fit, and the right of appeal shall run as from the date of the notification. The declaration shall take effect only when the same becomes final.

CANON XXXVI

OF INDEPENDENT MISSIONS OR CURES OF SOULS OTHER THAN INCUMBENCIES

1. Cures of souls not being Incumbencies shall be known as Independent Missions.

2. If any sufficient number of persons living in a locality at an inconvenient distance from any existing church shall desire to form themselves into a congregation, and shall undertake to build a church or obtain a suitable building, and to provide an adequate stipend for the Priest, they shall make application to the Bishop of the diocese, who shall deal with the application in terms of section 3 hereof. In the event of his refusing the application, the applicants may appeal to the Episcopal Synod. The Synod may, if it see fit, remit the application to the Bishop to deal with in terms of section 3.

3. It shall be competent to the Bishop, after notice in writing to his clergy in the neighbourhood of the proposed mission, to sanction the opening of a mission in any part of his diocese, whenever it may seem to him desirable. But if any Rector or Priest-in-charge whose interests, or the interests of whose charge, may appear to be injuriously affected by the opening of such mission shall within fourteen days after receipt of such notice object in writing to the opening of such mission, the Bishop shall not proceed therein until he have given the objector full opportunity to state his case to a Standing Committee appointed annually by the Presbyters qualified to vote at the Diocesan Synod, and until a majority of the Committee in meeting assembled has expressed its approval of the proposed mission.

4. The appointment of a clergyman to any Independent Mission or other pastoral charge not provided with a constitution or other deed regulating the patronage of the same shall belong to the Bishop of the diocese, and the conditions

of the appointment of such clergyman shall be settled by agreement between him and the Bishop. If there be a constitution or other deed regulating the patronage, the procedure shall be the same as in the case of an Incumbency.

5. Every clergyman appointed to such charges shall be licensed by the Bishop, in terms of Appendix XVIII, he having first produced his Letters of Orders and testimonials as required in Canon XIII, sections 3 and 4, and signed the constitution (if any) of the charge, and made the subscriptions prescribed by Canon XII. If the clergyman is, at the date of the appointment, instituted or licensed in terms of the Canons within this Church, the Bishop may dispense with testimonials. The provisions of Canon XIII, section 5, shall apply also to clergymen who are appointed to such charges.

6. The licence may be withdrawn by the Bishop at any time (subject to the limitation to his power to do so specified in the next section), for any cause which the Bishop shall judge to be good and reasonable, after having given to the clergyman sufficient opportunity of showing reason to the contrary; but an appeal shall lie to the Episcopal Synod. Pending the decision of an appeal against the withdrawal of a licence, if the cause assigned be immoral conduct or behaviour unbecoming the office of a clergyman, the licence shall be held to be suspended, otherwise it shall remain in force.

7. When a mission has for three years and upwards had a district assigned to it, and has for the same period been continuously under the charge of a Priest whose usual place of residence is within the district, and has been united to this Church, either through the title-deeds of its church or other property belonging to it, or through being governed in accordance with the terms of a provisional constitution approved by the Bishop, the communicants thereof may elect a Lay Elector to take part in the election of a Bishop. Priests who have been in charge of such missions for a period of five years shall, at the end of said five years' service in that capacity, attain to the *status* and possess the canonical rights of instituted clergy of the diocese, but subject to the provisions of Canon XIII, sections 10, 11, and 13: Provided that if any such Priest have lived in the neighbourhood of the district, though outside its

limits, with the written approval of the Bishop, he shall be deemed for the purposes of this Canon to have had his residence in the district.

CANON XXXVII

OF THE DISTRICTS ASSIGNED TO CURES OF SOULS

1. Every cure of souls which has been, or shall hereafter be, duly constituted an Incumbency shall have a district assigned to it. An Independent Mission, or a Dependent Mission attached to a Cathedral under Canon XXXIX, may have a district assigned to it if the Committee mentioned in this Canon shall so recommend. In the event of it being found necessary or desirable to work two or more such cures of souls as a joint charge, each of them shall retain its existing boundaries unless these be altered as hereinafter provided.

2. The determination and alteration of the boundaries of all such districts in each diocese shall be entrusted to a Committee to be appointed annually by the Diocesan Council, but its decisions shall not be binding till they be approved by the Bishop and by a majority of the Committee mentioned in Canon XXXVI, section 3, in meeting assembled. The Bishop and Dean shall always be members of this Boundary Committee.

3. No district shall be assigned to a charge, nor after it has been assigned shall any alteration in its limits be carried into effect, without full opportunity being afforded to the Clergy and Vestries (or, where these have not been constituted, the Central Funds Committees) of the charges affected, to represent their opinions to the Bishop and the Committee mentioned in Canon XXXVI, section 3.

4. It shall be the duty of the clergyman entrusted with the cure of souls to supply, to the utmost of his power, spiritual ministrations to all persons resident in the district who may apply for the same, provided that they be members of this Church, and have not attached themselves to any other congregation of this Church as members thereof. It shall also be his duty to endeavour to find out, and put himself in pastoral relations with, the lapsed and spiritually destitute in his district.

5. Nothing in the preceding section shall be held to exclude any clergyman of this Church from ministering privately, in a district other than that assigned to his charge, to sick persons who desire his services, or to members of his own congregation.

6. Nothing in this Canon shall prevent the Bishop of a diocese from allowing any clergyman to hold a public service in any assigned district of the diocese for a special assemblage on a special occasion, with the consent of the Rector or Priest-in-charge.

CANON XXXVIII

OF DEPENDENT MISSIONS, AND OF THE SEPARATION THEREOF FROM THE DISTRICT AND CURE OF SOULS TO WHICH THEY ARE ATTACHED

1. Any Rector or Priest-in-charge may, with the sanction of the Bishop, provide in his district a mission church or other building where services of public worship may be conducted (in addition to those in the original or mother church of the district) under the control of the Rector or Priest-in-charge of the mother church. Such missions shall be known as *Dependent Missions*.

2. Members and communicants attending such mission church or building shall be deemed members and communicants of the mother church of the district, in respect of the election of Lay Electors and of all canonical rights and privileges allowed to those, except in such matters as are purely congregational in their nature; provided always that in a mission which has been for three years and upwards under the charge of a Priest whose usual place of residence is within the district, and which has been united to this Church either through the title-deeds of its church or other property belonging to it, or through being governed in accordance with the terms of a provisional constitution approved by the Bishop, the communicants thereof may elect a Lay Elector to take part in the election of a Bishop, if the Bishop and a majority of the Presbyters present in the Diocesan Synod and qualified to vote signify their assent thereto, such assent holding so long as the conditions are fulfilled. In such cases the communicants of the

mission shall take no part in the election of a Lay Elector for the mother church. In case of a Dependent Mission having a Lay Elector in terms of this section, such mission shall not cease to have that right if and when it becomes an Independent Mission, any provision in these Canons to the contrary notwithstanding.

3. When it shall be deemed expedient that a Dependent Mission should be formed into an independent cure of souls, the Rector or Priest-in-charge, or a majority of the Vestry, or (where this has not been constituted) of the Central Funds Committee, of the mother church, or a majority of the communicants attending the said mission church or building, may petition the Bishop to that effect; but no such petition shall be entertained until the Diocesan Council, or a Committee appointed by it for the purpose, has considered the financial position of the mission. The Bishop, after consultation with the Committee of the Diocesan Council appointed under Canon XXXVII, section 2, as to the alterations in the district or districts affected by the proposal, shall submit the petition to the next meeting, stated or special, of the Diocesan Synod, and, having given the other members of Synod an opportunity of expressing their opinions, shall announce his decision thereon. If the decision of the Bishop shall be at variance with the opinions of a majority of the Presbyters present and qualified to vote, an appeal to the Episcopal Synod shall be competent at the instance of the petitioners, or of the Rector or Priest-in-charge, even if he be not a petitioner.

4. The Bishop may take the initiative in forming a Dependent Mission into a separate and independent cure of souls, provided that he give to all the parties mentioned in section 3 hereof an opportunity of expressing their opinion; and the matter shall then come before the Diocesan Synod in the same way as if a petition had been presented to him, and there shall be the same right of appeal to the Episcopal Synod.

CANON XXXIX

OF CERTAIN MISSIONS ATTACHED TO
CATHEDRAL CHURCHES

1. Without prejudice but in addition to Canon XXXV, section 2, and to the provisions of Canons XXXVI to XXXVIII inclusive, if the Bishop sees fit he may, with the approval of the Cathedral Chapter and of such congregational authorities, clerical or lay, who may have rights requiring approval, and after consultation with the Diocesan Joint Board, direct that there shall be attached to the Cathedral with the status of a Dependent Mission (1) an Incumbency falling within Canon XXXV, section 2, or (2) a mission either under Canon XXXVI or Canon XXXVIII, or (3) a mission which he himself has initiated, as he shall have a right to do, the same not being within a district assigned to a charge under Canon XXXVII, or (4) a mission in cases where the mission is within a district, if the approval of those who fall to be consulted under Canon XXXVII, section 3, has been obtained.

2. In such cases the mission shall be under the control of the Bishop. The Curate-in-charge shall be appointed by the Bishop, and the appointment shall be terminable on three months' notice by either party to the other unless otherwise agreed.

3. The Cathedral Church shall not be responsible for finance or control of any such mission unless so far as may be otherwise arranged with the Vestry or Board of Management of the Cathedral.

4. From time to time the Bishop may, with the like consents that are required in the case of Incumbencies, Independent Missions, or Dependent Missions, alter the status of particular missions attached under this Canon to the Cathedral.

5. Missions attached to the Cathedral under this Canon shall take no part in the election of a Lay Elector for the Cathedral; provided that if possessing the qualifications set forth in Canon XXXVIII, section 2, the members and communicants attending any such mission may themselves elect a Lay Elector for the mission.

6. This Canon shall be retrospective so far as necessary as regards missions already attached to Cathedrals.

CANON XL

OF PRIVATE CHAPELS

1. By a private chapel is meant a place of worship the structure and the services of which are maintained at the cost and charge of an individual, a family, or a society of persons in communion with this Church.

2. No private chapel shall be recognised as being in connexion with this Church unless the Priest or other person ministering therein has the licence or sanction in writing of the Bishop of the diocese.

3. A private chapel shall ordinarily be for the exclusive use for worship of the persons residing in the house or institution to which it is annexed and of others forming part of the family or society to which the chapel appertains, such as servants or employees, but on application being made to him by the proper person or persons, the Bishop may sanction the opening of a private chapel for public worship; provided that the Priest or other person conducting such worship shall have the licence or sanction in writing of the Bishop. The Bishop shall deal with such application in terms of Canon XXXVI, sections 2 and 3, if the private chapel be outside any existing district. If the private chapel be within a district, and the Rector or Priest-in-charge object, the Bishop shall only proceed with the consent of the Committee mentioned in Canon XXXVII, section 2, and of a majority of the Presbyters present in his Diocesan Synod and qualified to vote.

4. The communicants of private chapels, which have been sanctioned under section 3, and have been for three years at least open for public worship, and in which the regular services of the Church (conducted by a duly licensed Priest whose usual place of residence is within five miles of the chapel) are held on at least the Sundays and greater festivals and fasts throughout the year, may (if not less than twenty in number exclusive of the family or community to which the chapel belongs) elect a Lay Elector.

5. Where any religious community in Scotland has a private chapel, it shall not be recognised as a community working in connexion with this Church unless its chaplains, warden, and other clergy ministering therein have the licence or sanction in writing of the Bishop of the diocese, and the Bishop shall have the same jurisdiction in the chapel of such community as in the ordinary congregations of the diocese.

6. The administration of Baptism and the solemnisation of Matrimony in private chapels shall be subject to the regulation of the Bishop.

CANON XLI

OF COMMUNICANTS' ROLLS

1. In each Incumbency and Mission the Rector or Priest-in-charge shall continuously keep and regularly revise a list of the names of the persons belonging to that congregation who have communicated in his church during the twelve months preceeding, or who for good and sufficient reasons having been unable to do so shall have satisfied him that they have so communicated in the Scottish Church or in some Church in full communion therewith. This list shall be called the Communicants' Roll. Any question arising as to the omission or removal of any person's name from the roll, shall be decided by the Bishop, subject to an appeal to the Episcopal Synod. After the date at which these Canons come into force, no person whose name is not on a Communicants' Roll of the Scottish Church shall have the privileges or rights given by these Canons to communicants.

2. When persons join a congregation they shall, before receiving Holy Communion, produce, if required by the clergyman, subject to an appeal to the Bishop, from the Rector or Priest-in-charge of the congregation to which they previously belonged, or, in the event of the charge being vacant, from two communicants of this Church, an attestation that they are communicants of this Church or of a Church in communion therewith.

3. When persons leave a congregation it shall be the duty of the Rector or Priest-in-charge to use his best endeavour to commend them to the pastoral care of another clergyman.

CANON XLII

OF REGISTERS AND OTHER RECORDS TO BE KEPT BY CLERGYMEN

1. Every clergyman of this Church in charge of a congregation shall keep and carefully preserve, in a book or books approved by the Bishop, correct registers of Baptisms, Confirmations, Marriages, and Burials, and a record of the number of persons who have communicated publicly or privately on each separate occasion.

2. All such registers and records shall be the property of the congregation, and the clergyman in charge of the congregation shall have the custody thereof, and be responsible for them.

3. The clergyman shall produce every such register and record, and also the Communicants' Roll, to the Bishop, or to the Dean when the Bishop requires it.

4. Unless the Bishop shall have publicly stated in Diocesan Synod that he will undertake this duty himself, or a specified portion of it, it shall be the duty of the Dean of the diocese to inspect such registers and records and Communicants' Rolls at least once in every three years, and to report the result of his inspection to the Bishop in Synod.

5. Every clergyman licensed to a private chapel shall transmit annually to the Registrar of the diocese authenticated copies of the registers of Baptisms, Confirmations, Marriages, and Burials kept by him.

CANON XLIII

OF THE OFFICE OF DEAN

1. In every diocese a Dean shall be appointed by the Bishop from among the instituted clergy or Priests-in-charge of Independent Missions of the diocese, in terms of Appendix XXIII, to perform such duties as these Canons prescribe.

2. The Dean's appointment shall be for life, but shall be *ipso facto* cancelled if he shall become Bishop, or shall cease to be an instituted clergyman or a Priest-in-charge of an Independent Mission of the diocese, or if he shall be sentenced to

suspension after canonical trial, or if in the judgment of the Bishop and of a majority of two-thirds of the Presbyters present in Diocesan Synod and qualified to vote he shall be found incapable from age or infirmity of discharging his official duties.

3. Notwithstanding Canon X, section 7, a Dean shall not be qualified to continue to hold office as such because he is a Canon of the Cathedral of the diocese only in virtue of his office as Dean.

CANON XLIV

OF THE OFFICE OF SYNOD CLERK

1. In every diocese, at the first meeting of the Diocesan Synod after a vacancy has occurred in the office of Synod Clerk, the voting Presbyters present in the Synod shall elect any voting Presbyterian other than the Dean, to be Synod Clerk. The person elected must have a majority of the votes given, but the Dean shall have, as well as a deliberative vote, a casting vote in cases where equal votes are given.

2. The Synod Clerk's appointment shall be for life, but shall be voided if he shall become Bishop or Dean of the diocese, or shall cease to be a member of Diocesan Synod, or if he shall be sentenced to suspension after canonical trial, or if in the judgment of a majority of the Presbyters present in Diocesan Synod and qualified to vote he shall be found inefficient in the discharge of his official duties.

3. The Synod Clerk shall keep the minutes, and shall be responsible, subject to the directions of the Diocesan Synod, for the custody of the minute-books of the Diocesan Synod, and shall keep a copy of the roll of the clergy instituted and licensed in the diocese as supplied to him by the Diocesan Registrar, and the roll of the Lay Electors of the same. He shall summon the clergy to meet in Diocesan Synod according to the directions of the Bishop, or of the Dean, as the case may be.

4. During a vacancy in the office of Synod Clerk, the Bishop shall appoint the Diocesan Registrar to act as Synod Clerk *pro tempore*. When the Synod Clerk is absent the Bishop may appoint a substitute at his discretion.

CANON XLV

OF THE OFFICE OF DIOCESAN CHANCELLOR

The Bishop of each diocese shall appoint a discreet layman learned in the Law and being a communicant in this Church to be Chancellor for the diocese, to advise him in legal matters and to act when required by the Bishop (or by the Dean) as his assessor at Diocesan Synods. He shall hold office during the pleasure of the Bishop, and, on the see becoming vacant, until the see be filled.

CANON XLVI

OF THE OFFICE OF DIOCESAN REGISTRAR

1. The Bishop of each diocese shall appoint a Registrar, to whose custody shall be committed all deeds of consecration of churches and burial grounds, all constitutions of churches and all titles of ecclesiastical property connected with the diocese, or authenticated copies thereof, together with detailed inventories of all church goods and ornaments, registers, and other property belonging to the several charges of the diocese.

2. The Registrar shall keep a record of all Letters of Orders and licences of the clergy of the diocese, and a record of all ordinations, consecrations, and appointments to the office of Bishop, Dean, Synod Clerk, Chancellor, Registrar, and Auditor, and shall also keep a record of all rights of patronage, and shall submit these to the Diocesan Synod when required. He shall also keep the roll of the clergy instituted and licensed in the diocese, and shall inform the Synod Clerk of all changes on the said roll. He shall hold office during the pleasure of the Bishop. On the see becoming vacant he shall hold office until the see be filled.

3. It shall be the duty of every Rector and Priest-in-charge, or others responsible for the custody of the deeds, to cause the deeds of consecration, constitutions, titles, and inventories connected with his charge, as specified in this Canon, or at least certified copies of the same, to be committed to the custody of

the Registrar; and a copy of these inventories shall be exhibited by the Rector or Priest-in-charge to the Bishop on his visitation. The inventories shall be revised to date at least every five years.

4. The Registrar shall preserve all documents committed to his custody in terms of this Canon in a fire-proof safe, which shall be provided by the Diocesan Council.

CANON XLVII

OF THE OFFICE OF DIOCESAN AUDITOR

1. The Bishop of each diocese shall appoint an Auditor, at whose sight all moneys collected under the Bishop's written sanction for a church, parsonage, school, or other Church or charitable purposes shall be deposited with the Representative Church Council or in a bank, or otherwise invested, in the names of at least two persons as trustees, to the satisfaction of the Bishop. The Bishop shall intimate to the Auditor all cases in which he has granted such written sanction.

2. It shall be the duty of all persons who have obtained the Bishop's written sanction for a pecuniary appeal to furnish to the Diocesan Auditor an annual account of the sums collected by them during the past year, made up to 31st December, and of the disposal thereof, together with certified copies of the bank accounts and other vouchers.

3. In every case where a clergyman has raised money by subscription for a church, parsonage, school, or other Church or charitable purposes, he shall, if required by the Bishop, be bound to submit to the Diocesan Auditor a duly vouched account of the money so raised, and of the disposal thereof.

4. Without prejudice to any other proceeding or remedy whatsoever, if in any case the provisions of this Canon be neglected by the fault of the persons who have obtained the Bishop's sanction as aforesaid, and if an explanation of such neglect be not given by the said persons to the Bishop's satisfaction, the Bishop shall forthwith withdraw his sanction.

5. The Auditor shall present to the Bishop, before the annual meeting of the Diocesan Council, a full report upon the whole accounts relating to the preceding year which have been submitted to him in terms of this Canon; and this report shall be laid by the Bishop before the Diocesan Council.

6. The Auditor shall hold office during the pleasure of the Bishop. On the see becoming vacant he shall hold office until the see be filled.

CANON XLVIII

OF THE OFFICE OF REGISTRAR OF THE EPISCOPAL SYNOD

1. The Episcopal Synod shall appoint a Registrar, to whose custody shall be committed all registers and documents pertaining to the Primus and to the Episcopal Synod, the minute book of episcopal conferences, the records of all consecrations of Bishops, of decisions of the Primus and of the Episcopal Synod on appeals, and of all other acts of the Episcopal Synod and of the College of Bishops, and also the minute books and enactments of the Provincial Synod.

2. The Registrar shall hold office during the pleasure of the Episcopal Synod.

CANON XLIX

OF THE OFFICE OF PROVINCIAL ACCOUNTANT

1. The Episcopal Synod shall appoint an Accountant, whose duty it shall be to make up annually, as at 31st December, a statement of income and expenditure in connexion with Episcopal and Provincial Synods and the Consultative Council on Church Legislation for the past year, and, on such statement being approved by the Primus, the Accountant shall represent the matter to the Representative Church Council and claim its intervention.

2. The Accountant shall hold office during the pleasure of the Episcopal Synod.

CANON L

OF DIOCESAN SYNODS

1. An annual Diocesan Synod, consisting of the Bishop and all the instituted and licensed clergy of the diocese, shall be held in every diocese at such time and place as the Bishop (or the Dean empowered by him) shall appoint.

2. Special meetings of Synod shall be held whenever the Bishop sees cause, but for such business only as the notices may specify.

3. Notice of the time and place of meetings of the Synod shall be transmitted by post to the clergy of the diocese by the Synod Clerk, in the case of annual Synods not less than one month, and in the case of special Synods not less than ten days, before the day appointed for holding the same.

4. The Presbyters entitled to vote in Diocesan Synod shall be (first) all Presbyters instituted to a cure of souls within the diocese; and (secondly) all Presbyters who have their ordinary place of residence within the diocese and hold a formal licence under the hand of the Bishop to a definite sphere of duty involving regular pastoral work within the diocese, in terms of Appendix XVIII, and who have officiated for two years as instituted or licensed Presbyters in the Scottish Church: Provided that if any such Presbyterian lives in the neighbourhood of the diocese though outside its limits with the written approval of the Bishop, he shall be deemed for the purposes of this Canon to have his residence in the diocese.

5. All instituted and licensed clergy of the diocese are required to attend the meetings of the Diocesan Synod, those not entitled to vote being entitled to give their opinions on any subject which comes before the Synod. If any clergyman shall be hindered from attending a Synod, he shall intimate the cause of his absence to the Bishop, who shall be the judge of its sufficiency, and if possible this intimation shall be made before the meeting of Synod. If no such intimation be given, or if the cause assigned for absence be deemed insufficient by the Bishop, the absentee shall be subject to the admonition of the Bishop. If after such admonition he shall repeat the

offence, the Bishop may proceed against him in Synod for neglect of duty.

6. On the day appointed for the meeting of Synod and previous to the sitting thereof, the Holy Communion shall be celebrated, and also, if it shall have been so ordered by the Bishop, a sermon shall be preached, the preacher being appointed by the Bishop.

7. At meetings of the Synod the Bishop shall preside. In his absence the Dean of the diocese shall preside, but should the Dean also be absent the meeting shall appoint one of its own members to preside.

8. Every Rector and Priest-in-charge, and every clergyman licensed to a private chapel, shall, within ten days after the close of the statistical year of the Scottish Church, transmit to the Synod Clerk a return of the state of the congregation under his charge on a form approved by the Episcopal Synod. A summary of these returns shall be made by the Synod Clerk, and a copy of the same be sent to the Secretary of the Diocesan Council to be laid before it. It shall also be laid, along with the schedules, before the Diocesan Synod at its annual meeting, and be included in the minutes. Not more than three days after the meeting of the Synod a copy of the summary shall be transmitted to the Primus by the Synod Clerk.

9. Every motion to be brought forward at the annual Synod must be intimated to the Bishop, and also to the Synod Clerk, not less than twenty-one days before the meeting of Synod; and every motion so notified to the Synod Clerk must be communicated by him to all the clergy of the diocese not less than fourteen days before the meeting. The Bishop, however, may on emergencies allow the introduction of a motion without previous notice. Motions can only be submitted by members of Synod qualified to vote. The Bishop may veto the discussion of any motion, though otherwise competent, unless at least five members of Synod qualified to vote express their desire that it should be discussed.

10. At all meetings of Synod, the Synod Clerk shall take notes of the proceedings, and when the draft minutes shall have been revised by the President they shall be entered in the minute book; and at the next Synod these minutes, unless

previously circulated, shall be read; and if they be approved they shall be signed by the President of that meeting.

11. The proceedings of every Diocesan Synod shall be open to communicants of full age resident in the diocese, except under special circumstances of which the Bishop shall be judge, and any male communicant qualified as above shall, with permission of the Bishop, be allowed to address the Synod upon the subject which may happen to be under discussion. Notice of the date and place of the Diocesan Synod and of its being open to communicants as aforesaid shall be given during Divine Service, at least one Sunday immediately preceding, by each Rector and Priest-in-charge.

12. No resolution of the Synod shall have any force or effect if the Bishop intimate that he does not concur therein, which intimation he must, if present, make before the close of the Synod: if he be not present, the resolutions of the Synod shall forthwith be transmitted to him by the Synod Clerk, and the Bishop shall be held as concurring in the same, unless within seven days of their receipt he intimate the contrary to the Synod Clerk. But if the resolution be supported by two-thirds of the Presbyters present in the Synod and qualified to vote an appeal shall be competent to the Episcopal Synod, if assented to by a majority of two-thirds as aforesaid. The provisions of this section shall not apply to representations made under Canon LII, section 2.

CANON LI

OF EPISCOPAL SYNODS, AND OF THE COLLEGE OF BISHOPS

1. The Episcopal Synod shall consist of all Diocesan Bishops of this Church, and of such other Bishops as may be qualified as members under Canon VII. The Episcopal Synod shall annually elect one of its own members to be Clerk of the Episcopal Synod.

2. A stated meeting of the Episcopal Synod shall be held once in every year, on such day and at such place as the Primus, with the concurrence of at least one half of the other Diocesan Bishops, shall determine.

3. The Primus shall have the power of calling a special meeting of the Episcopal Synod whenever the circumstances of the Church seem to him to require it, and, with the concurrence of at least one half of the other Diocesan Bishops, of fixing the time and place at which such meeting shall be held.

4. The Primus shall call a meeting of the Episcopal Synod on receiving a written requisition so to do from a majority of the other Diocesan Bishops, the time and place of such Synod being fixed as provided in section 3 of this Canon; and if the Primus fail to call such Synod within two months after receiving such requisition, a majority of the other Bishops may call such Synod and meet and act without him, due notice being given by them to him and to the other Bishops of the time and place of said Synod.

5. Before the holding of any Episcopal Synod the Primus shall publish for the information of the Church generally, in such way and as fully as he shall see fit, a statement of the time, place, and purpose of such Synod.

6. Unless a majority of Bishops entitled to vote be present at the meeting of an Episcopal Synod, no business shall be transacted.

7. The Registrar of the Episcopal Synod shall act as Lay Clerk at each meeting of Synod, and take the minutes of such meeting.

8. All Episcopal Synods shall be open to the public, under such regulations as the Synod may adopt; but it shall be in the power of the Synod, by a resolution entered in its minutes, to exclude the public during the whole or any part of its proceedings: Provided always that all judgments and other deliverances of the Synod shall be announced in public.

9. Intimation in writing of all business to be brought before any Episcopal Synod shall be given by the Primus to each Bishop not less than ten days before the meeting; but other business, if urgent, shall be admissible by consent of a majority consisting of at least two-thirds of the Bishops present and entitled to vote.

10. Except as provided in these Canons, every matter brought before the Episcopal Synod shall be decided by the

majority of the Bishops present and entitled to vote. Except also as provided in these Canons, in the case of an equality of votes, when the Primus is present, he shall have a casting as well as a deliberative vote, but in his absence the resolution or motion shall be deemed negatived.

11. The Episcopal Synod shall receive and finally determine all appeals allowed in these Canons, except such as may be brought before and decided by the Primus.

12. Except as provided in these Canons the College of Bishops may act after such informal consultation as they see fit. The rules as to voting shall be as in the Episcopal Synod.

CANON LII

OF PROVINCIAL SYNODS

1. The Provincial Synod shall be called by the Episcopal Synod whenever the circumstances of the Church may appear to the Episcopal Synod to require it. The time and place of meeting of such Provincial Synod shall be determined by the Episcopal Synod, and the said Provincial Synod shall be convened by the Primus issuing a mandate, in terms of Appendix XXIV, at least three months before the time of meeting.

2. The Primus shall at the time that he issues the mandate cause to be published for the information of the Church, in such way as he shall see fit, and as fully as in his opinion is reasonably practicable, a statement of the matters to be brought before the Provincial Synod. The Episcopal Synod shall determine beforehand what subjects shall be brought forward for the decision of the Provincial Synod, and to this end shall take into consideration any representations which may have been made to it by a Diocesan Synod, or by the Consultative Council on Church Legislation, by intimation sent to the Clerk of the Episcopal Synod not less than one month before the mandate is issued. No matter not included in the foresaid statement shall be brought forward at the Provincial Synod, except with the consent of at least three-fourths of those present in each Chamber.

3. The Provincial Synod shall consist of two Chambers; the members of the Episcopal Synod shall constitute the First Chamber; the Dean of each diocese, the Principal of the Theological College, Edinburgh, and (should the two offices not be united) the Pantonian Professor of Theology (not being members of the First Chamber), and the representatives of the clergy as after mentioned, shall constitute the Second Chamber.

4. The Episcopal Synod at its annual meeting in 1929 and every third year thereafter, shall declare the number of representatives to which each diocese is entitled for the succeeding triennial period. The number shall be estimated on the basis of the maximum number of Presbyters officially registered as instituted or licensed in the diocese, and resident as in Canon L, section 4, at any one time in the preceding triennial period, and there shall be one representative for every ten such Presbyters or fraction of ten.

5. The electors of the representatives shall be the Presbyters qualified to vote in Diocesan Synod as at the date of the meeting called for the election, and the representatives shall be selected from their number.

6. The election of representatives shall be held at a meeting of the electors convened for the purpose by the Dean, at which meeting he shall preside; if he be absent the meeting shall elect its own Chairman. Such meeting shall be held not less than one month before the meeting of the Provincial Synod, and shall be summoned by notice of at least fourteen days sent to every elector in the diocese, and a general intimation of the purposes for which the Provincial Synod is summoned shall accompany such notice. Cumulative voting shall not be allowed. Voting shall be by ballot. It shall be lawful to vote by proxy, provided that a medical certificate accompanies the written proxy, in terms of Appendix XXV. When any two or more Presbyters receive equal votes for the last place or places among the representatives, the Presbyter or Presbyters of the number senior by service in the diocese shall be held to be elected. Within three days after the election the Dean, or Chairman, shall make a return of the representatives to his own Bishop, and also to the Primus. No member of the First Chamber shall

be present at or take part in the election of a member of the Second Chamber. If in the interval between the election of representatives and the first meeting of the Synod, any vacancy or vacancies in the number of those elected shall occur, the Presbyter or Presbyters in whose favour the next largest number of votes was given at the said election shall automatically fill such vacancy or vacancies; and at the said election provision shall be made accordingly, by sending to the Primus a careful record of the votes given. Vacancies among the elected members of the Provincial Synod occurring during the period of session or adjournment, through death or resignation, or through any of the representatives ceasing to fulfil the requirements of section 5, may be filled up in the same manner, or may be filled up at a meeting of the electors of any diocese concerned, convened in terms of this section, as the electors of such diocese may from time to time decide.

7. At least fourteen days before the assembling of the Provincial Synod, the Primus shall issue to all the members a notice stating the time and place of meeting.

8. Any irregularity in procedure in regard to the election of representatives to a Provincial Synod, or in convening the same, shall not be held to invalidate the proceedings of the Synod or to bar it from transacting business, unless the Synod itself, at a joint meeting of both Chambers, and by a majority of each Chamber, shall have decided that the alleged irregularity is of such a character as to make it unjust or unfair to transact business until the irregularity be corrected.

9. On the day appointed for the meeting of Synod, and previous to the sitting thereof, Holy Communion shall be celebrated; and also, if it shall have been so ordered by the Primus, a sermon shall be preached, the preacher being appointed by the Primus. At the close of the celebration the Synod shall be immediately constituted.

10. At the celebration of the Holy Communion the members of both Chambers shall attend duly vested. During the sessions of the Synod, the members of the First Chamber shall wear the episcopal habit, and the members of the Second Chamber shall wear cassocks.

11. In the First Chamber the Primus, or in his absence the senior Bishop, shall preside, and the presiding Bishop shall have a casting as well as a deliberative vote.

12. At the commencement of each Provincial Synod the Second Chamber shall elect, by a majority of the members present, one of their number to be Prolocutor, who shall preside, and have a casting as well as a deliberative vote; and also another to be Vice-Prolocutor, who, in the absence of the Prolocutor, shall preside and shall possess his privileges. Such elections shall be at once reported to the First Chamber.

13. After the election of the Prolocutor, but before the business of the Synod is commenced, any objection that may be made in regard to the election of any member of the Second Chamber shall be disposed of by said Chamber with the advice, if the Chamber so desire, of a legal assessor. The finding of the Chamber shall be final.

14. The College of Bishops shall, not less than one month before the meeting of the Provincial Synod, appoint a layman who shall act as Clerk to the First Chamber, and who shall also convey to the Second Chamber any message which the First Chamber may have to communicate.

15. The College of Bishops shall, not less than one month before the meeting of the Provincial Synod, appoint a layman who shall act as Clerk to the Second Chamber.

16. The First Chamber, whenever they consider it desirable, may require a conference with the Second Chamber.

17. The Second Chamber, whenever they consider it desirable, may request a conference with the First Chamber.

18. The Second Chamber may at any time make a communication to the First Chamber by their Prolocutor or Vice-Prolocutor, who shall always have free admission thereto.

19. Any member of the First Chamber who is irregular in his attendance at any part of the session of a Provincial Synod, without giving sufficient explanation to the Primus, shall be liable to the censure of the Chamber.

20. If any member of the Second Chamber shall be irregular in his attendance at any part of the session of a Provincial Synod, unless he be excused by the Primus, the fact of such

irregularity shall be reported in writing by the Prolocutor to the Bishop of the diocese to which the member belongs, and the Bishop shall, in Diocesan Synod, take such measures as the case may require.

21. The functions of the Provincial Synod shall be purely legislative, and it shall have no judicial power, either primarily or on appeal.

22. The Provincial Synod shall have power, but only by a majority of each Chamber, to alter, amend, and abrogate the Canons in force, and to enact new Canons. But no alteration on the Canons, nor addition to them, shall take effect until such alteration or addition shall have been confirmed by a majority of each Chamber at an adjourned meeting of the Provincial Synod to be held after an interval of time sufficient to give the organisations of the Church hereinafter named opportunity of considering the proposed legislation, provided that such interval shall not in any case exceed twelve months after the close of the previous meeting of the Synod. As soon as possible after alterations or additions have been passed provisionally, the Primus shall cause to be published for the information of the Church, in such way as he shall see fit, and as fully as in his opinion is reasonably practicable, a statement of their precise terms, and the precise terms shall be communicated by the Clerks of the Provincial Synod to the several Diocesan Synods and to the Consultative Council on Church Legislation, and any opinion expressed by these bodies, or any of them, on the said alterations or additions shall be communicated to the Clerks of the Provincial Synod and submitted to the Synod at its adjourned meeting before it proceeds to confirm the alterations or additions: Provided that the Provincial Synod at any adjourned meeting may introduce (without further notice) verbal or drafting amendments which, in the opinion of the majority of each Chamber, do not affect the sense. The date of the adjourned meeting shall be fixed by the Provincial Synod, or the fixing thereof may be delegated by it to the Primus, provided always that the interval shall not exceed the prescribed twelve months. In either case the decision of the Synod or Primus as to the interval of time required to allow of due consideration of the proposed legislation shall be final.

23. At the conclusion of the business of a Provincial Synod the proceedings shall be authenticated by the signatures of the Primus and of the Prolocutor in presence of the Synod. Thereafter a Committee shall be appointed by the two Chambers jointly to cause the enactments of the Synod, together with such other parts of the proceedings as the Synod shall have ordered to be published, to be carefully printed for the general use of the Church; and the Chairman of said Committee shall transmit to each Bishop a copy of the Canons and proceedings so printed, for the information of the Diocesan Synods: and each Bishop shall forthwith promulgate the Canons by transmitting a printed copy thereof to the Synod Clerk of his diocese, and shall notify, in such manner as he thinks fit, to all the congregations in his diocese the alterations or additions that have been made in the Code of Canons.

24. The Code of Canons shall be binding upon all members of the Church, but alterations thereon and additions thereto shall not become binding until three months after their final enactment.

CANON LIII

OF THE CONSULTATIVE COUNCIL ON CHURCH LEGISLATION

1. There shall be a standing body under the name of the Consultative Council on Church Legislation, the constitution of which was formally accepted by the Episcopal Synod by resolution dated 26th October 1905 (Appendix XXVI).

2. The business of the said Council shall be—

- (1) To consult, if it see fit, on any subject proposed for legislation by the Provincial Synod, and to make representations thereon to the Episcopal Synod.
- (2) To consult concerning any subject seeming to need legislative action, and any question affecting the interests of the Church, and, if it see fit, to make representations thereon to the Episcopal Synod.

3. No alteration of the existing constitution of the said Council shall be valid unless submitted to and approved by the Provincial Synod.

CANON LIV

OF THE REPRESENTATIVE CHURCH COUNCIL

1. The Representative Church Council, the original constitution of which was formally accepted by the College of Bishops by a resolution dated 9th October 1876, is recognised as the organ of the Church in matters of finance.

2. No alteration of the existing constitution of the Representative Church Council shall be valid, unless submitted to and approved by the Episcopal Synod.

3. In each diocese there shall be a Diocesan Council constituted according to the definition thereof given from time to time in the constitution of the Representative Church Council.

4. It shall be in the power of the Representative Church Council and of the Diocesan Councils to discuss any question affecting the interests of the Church, and to refer it, if they think fit, to the Consultative Council on Church Legislation for its consideration. But while the Representative Church Council and the Diocesan Councils shall always give effect to canonical sentences of the Church, they shall not, in making or recommending grants, enter upon the consideration of questions of doctrine, or of modes of worship, or of discipline.

5. In every congregation a collection shall be made in church on at least one Sunday in the year at each service, in aid of the funds of the Representative Church Council.

CANON LV

OF ACCUSATIONS AND APPEALS

I. OF ACCUSATIONS

1. Accusations against Bishops, Priests, and Deacons shall be made, in the case of a Bishop, to the Episcopal Synod, and, in the case of Priests and Deacons, to the Bishop of the diocese to whom the Priest or Deacon is subject. In the case of a Bishop, the accusation shall be lodged with the Primus, or, if the Primus be the accused, with the senior Bishop other than the Primus, and in the case of a Priest or Deacon, the accusation

shall be lodged with the Bishop of the diocese. In the case of a Bishop, the accusation shall be heard and disposed of by the Episcopal Synod, and in the case of Priests and Deacons, by the Bishop at a meeting of the Diocesan Synod. The words "the Court" shall, when used in this Canon, mean, in the case of accusation against a Bishop, the Episcopal Synod, and in the case of accusations against Priests and Deacons, the Bishop of the diocese.

2. Bishops, Priests, and Deacons may be accused—

- (a) Of immoral conduct or of conduct or behaviour unbecoming their character and office, or calculated to bring scandal on the Church.
- (b) Of breach of obligations incumbent on them by the Canons.
- (c) Of grave neglect or habitual carelessness or gross inefficiency in the performance of their official duties.
- (d) Of having taught, published, or otherwise publicly promulgated doctrines or opinions subversive of or opposed to the teaching of the Church, as expressed in its formularies and in the Thirty-nine Articles.

3. No accusation shall be competent unless made within two years of the date of the last instance of alleged offence, except in cases of an accusation of immoral conduct, or of conduct or behaviour unbecoming the character and office of a Bishop, Priest, or Deacon, or calculated to bring scandal on the Church; in which cases, on leave given in writing by the Court, the accusation may be made within five years. In the case of an offence of which the accused has been convicted by a Court having jurisdiction over him in criminal cases, on like leave the accusation may be made at any time after five years if made within six months of such conviction.

4. Accusations shall be in writing, signed by or on behalf of the accusers, and shall with reasonable specification state the nature, date, and (where material) place of the offence charged.

5. No accused may free himself without consent of the Court from the jurisdiction of the Court by resigning after an accusation has been lodged.

6. Accusations must be made by at least three male communicants of full age, of whom, in the case of a Bishop, one shall be a clergyman of this Church: Provided always that the Bishop or Episcopal Synod may direct such person as he or it see fit to appoint to make an accusation, in which case the accusation shall be sufficiently made if made by such person. A copy of the accusation shall be served by the accusers on the accused within three days of the accusation being made.

7. At any time after an accusation is lodged, the accused may, by writing under his hand, duly transmitted to the Court, admit the truth of the accusation, whereupon the case may be disposed of in the same way as if the accusation had been established by evidence. The accused may also transmit to the Court such written answer to the accusation as he sees fit.

8. The Court on receiving an accusation may authorise the accusation to proceed; or may refuse to entertain the same on the ground that it is *ex facie* frivolous; or may direct private and preliminary inquiry to be made by such person and in such manner as the Court may see fit as to the grounds of the accusation, and, on considering his report, may authorise the accusation to proceed; or may find that there are no *prima facie* grounds for the accusation, in which case the accusation shall stand dismissed: Provided that unless the Court disallow the accusation within three months of receiving it the accusers may proceed. The Court shall communicate the decision to those concerned.

9. Where the Bishop or Episcopal Synod has authorised or directed an accusation in respect of alleged immoral conduct, or of conduct or behaviour unbecoming the character and office of a Bishop, Priest, or Deacon, or calculated to bring scandal on the Church, the Court may, if the Court see fit, suspend the accused until the conclusion of the trial, but such suspension may be recalled by the Court at an earlier period.

10. In case an accused Priest or Deacon shall admit the truth of the accusation, the Bishop of the diocese may dispose of the case, but in that case the accusation and admission of the accused and the sentence of the Bishop shall be read at the next meeting of the Diocesan Synod, and shall be entered in

the minute-books thereof. The sentence, if not pronounced in presence of the accused, shall be intimated to him in writing.

11. The Court shall fix the date of trial for a time not less than six weeks nor more than three months from the time when it is determined that the accusation shall proceed.

12. In accusations against Priests or Deacons, the Bishop may have the assistance of his Chancellor or other legal adviser to be appointed by him. In accusations against Bishops, the Court may have the assistance of one or more legal assessors to be appointed by it.

13. The accused shall not be entitled to act as a member of the Synod while it is dealing with the accusation.

14. On cause shown, the Court may, at any time after accusation lodged, appoint a Commissioner to take the testimony of any witness. The examination shall be taken as nearly as may be in the same way as if the witness had been examined before the Court, and shall be certified by the Commissioner and transmitted by him to the Court, and the same may be received in evidence by the Court.

15. The trial of the accused shall, in the case of a Priest or Deacon, be by the Bishop of the diocese, at a meeting of the Diocesan Synod, and in the case of a Bishop by the Episcopal Synod, and shall be in public unless the Court is of opinion that there is good reason for the trial proceeding in private, in which case the Court may act upon said opinion: Provided always that the accused may require the presence at the trial in private of not more than twelve male adults nominated by him. At the trial the accusers shall be present personally or be represented by a person or persons, authorised in writing to act on their behalf, and the accused shall be personally present, and may also be represented by a person or persons so authorised to act on his behalf. If the accusers be not present or represented, the Court shall dismiss the accusation, unless the Court see fit to appoint another person to act instead of the accusers. If the accused fail to appear, and no sufficient reason in the opinion of the Court be assigned for such failure, the Court may proceed with the trial in the absence of the accused.

The accused, if he appear, may state objections to the relevancy of the accusation, but if the relevancy be sustained,

he shall thereupon be called upon to plead guilty or not guilty, and if he refuse to plead or be absent he shall be held as pleading not guilty.

Without prejudice to the general powers of the Court, the Court may in particular adjourn the trial after disposing of any objection to relevancy and receiving the plea of the accused.

At the trial, in cases where evidence is led, the evidence shall be taken on oath or affirmation in common form, and recorded in such way as the Court may direct, including power to direct the evidence to be taken down and recorded in shorthand by a writer skilled in shorthand, which evidence shall be certified in such way as the Court may direct. The Court may accept a conviction of the accused of a criminal offence by a court having jurisdiction, as sufficient evidence of the fact that the accused committed the offence, and may accept a duly authenticated record of evidence given in any court of the United Kingdom in any cause affecting the accused, as evidence in any case under this Canon: Provided always that the accused may give evidence in his own favour before the Court accepts a conviction as conclusive, as well as in all other cases.

At the close of the evidence the accusers and the accused by themselves, or those authorised by them as aforesaid, may address the Court.

16. Without prejudice to the general powers of the Court, the Court may pronounce judgment either immediately upon the close of the trial or may adjourn the case in order that time may be taken to consider the judgment.

In the case of a Priest or Deacon, the Bishop, either before or after an adjournment, as he sees fit, shall call upon each member of the Synod qualified to vote, according to the date of his institution or licence in the diocese, beginning with the senior, to state his opinion, and after the members have so stated their opinions, opportunity shall be given to any member to make a second statement if he sees reason to modify his original opinion. Thereafter, with or without an adjournment, the Bishop shall give judgment. When judgment is pronounced, the same shall be entered upon the minutes of the Synod and be signed by the Bishop.

In the case of a Bishop, when judgment is pronounced, the

same shall be entered upon the minutes of the Episcopal Synod, and be signed by the Primus or the Bishop presiding.

17. The sentences competent to the Court shall be—

- (1) Censure.
- (2) Suspension for a period not exceeding three years.
- (3) Deprivation of office.
- (4) Degradation, or deposition from the Ministry.

18. The sentence of suspension shall specify on what terms or at what time the penalty of suspension shall cease. The Court may deal with the emoluments of the accused during the suspension in such way as to the Court seems right, and may in whole or in part deprive the accused thereof.

19. After the sentence of deprivation has been pronounced, the accused shall have no right or claim to any income from his office, or to perform the duties pertaining thereto.

20. The sentence of degradation or deposition shall set forth whether it implies only degradation from a higher to a lower order in the Ministry, or an entire deposition from the Ministry.

21. The judgment of the Bishop on an accusation against a Priest or Deacon, including his sentence in a case where the accused has pleaded guilty, may be appealed by either party to the Episcopal Synod, in which case the procedure with regard to appeals shall apply. In cases of conviction, if an appeal be taken, the Bishop may suspend the accused until the appeal be disposed of.

II. OF APPEALS

22. Appeals shall be taken by a written note, in terms of Appendix XXVII, and shall be signed and dated by the appellant or by a person or persons authorised by him in writing to act on his behalf.

23. Unless otherwise specially provided, appeals to the Episcopal Synod shall only be competent if lodged with the Lay Clerk of the Episcopal Synod within one month after the date of the judgment appealed against.

24. The appellant shall intimate the appeal, within three days of lodging the same, to the respondent and to the Bishop or other person whose judgment is appealed against.

25. The parties respectively shall transmit to the Lay Clerk any papers in their possession or under their control which have been before the Bishop or other person whose judgment is appealed against. The Bishop or other person whose judgment is appealed against shall cause the whole process or papers in his possession or under his control in connexion with the matter out of which the appeal has arisen to be transmitted to the Lay Clerk.

26. The appellant at the time of lodging the appeal with the Lay Clerk may also lodge with him reasons in support of the appeal. In such case when intimating the appeal to the respondent and to the Bishop, or other person whose judgment is appealed against, the appellant shall transmit to each a copy of such reasons.

27. The respondent and the Bishop, or other person appealed against, may, within twenty-one days of intimation to them of the appeal, lodge with the Lay Clerk a statement of the reasons on which they submit that the appeal should be dismissed, transmitting to the appellants a copy of said statement.

28. In accusations against Priests or Deacons, the Episcopal Synod on appeal shall have the assistance of one or more legal assessors, and if the Synod deem it advisable, also the assistance of one or more clerical assessors; and in all other appeals the Episcopal Synod may, in its discretion, appoint one or more legal assessors, and in special cases one or more clerical assessors.

29. In appeals against the judgment of a Bishop, the Bishop appealed against shall not sit as a member of the Episcopal Synod, but may state his grounds of judgment personally, or by his Chancellor or other person authorised by him in writing. In other cases the person whose judgment is appealed against may do the same.

30. On the joint craving of parties, the Episcopal Synod may, in its discretion, dispose of an appeal without an oral

hearing; otherwise the Episcopal Synod shall give an opportunity to parties to be heard. In the event of no appearance for an appellant who has lodged no reasons in favour of his appeal, the appeal shall stand dismissed. In the event of no appearance for an appellant who has lodged reasons, the appeal shall be disposed of as the Episcopal Synod sees fit.

31. In cases of accusations when an appeal is taken to the Episcopal Synod, the Synod may sustain or dismiss the appeal in whole or part, and may either diminish or increase the sentence pronounced by the Bishop of the diocese. If the appeal be dismissed, unless the Episcopal Synod otherwise direct, the sentence shall take effect as from the date of the judgment appealed against.

III. SUPPLEMENTARY AND MISCELLANEOUS PROVISIONS

32. In accusations against Priests or Deacons, or in appeals to a Bishop of a diocese, the Bishop, if he feel himself so personally concerned that it is inexpedient that he should try the case, may apply to the College of Bishops, who may appoint one of its number to discharge his duties in the matter, with his powers.

33. In accusations and appeals the Bishop, and the Episcopal Synod, may respectively (subject to such conditions, if any, as to expenses or otherwise as they see fit to impose, and to the provisions of any rules made as after provided for) allow pleadings to be amended or added to at such time and as fully as they see fit; they may authorise or direct special papers or pleadings to be lodged; they may make adjournments from time to time or refuse to make adjournments; they may order what papers are to be printed or copied, and may prescribe the number of copies to be lodged with them or furnished to parties; in special cases they may dispense with provisions ordinarily imposed upon parties; they may, after evidence led and closed, allow additional evidence in special cases, and generally the Bishop and Episcopal Synod may regulate procedure as they see fit.

34. The Episcopal Synod may from time to time issue rules of procedure for and in connexion with proceedings under this Canon, but only so far as consistent therewith.

35. The Bishop and the Episcopal Synod, in case of failure to observe this Canon or rules made thereunder, shall have full power to deal with the failure as they see fit, and in respect thereof to dismiss an accusation or an appeal, or to sustain an appeal, or otherwise to deal with the matter as they deem right, and that on such conditions as to expenses or otherwise as they see fit to impose.

36. (a) The expenses of the Bishop and Episcopal Synod, including the expense of a clerk, of assessors, and of shorthand writers, or of the Bishop, or of a person whose judgment is being appealed against being represented on appeal, shall not be awarded against parties. The Provincial Accountant shall certify the amount of such expenses annually, and shall represent the matter to the Representative Church Council and claim their intervention.

(b) So far as the expenses of persons directed by the Bishop or Episcopal Synod to prosecute, or for which they are liable, are not awarded against and paid by the accused, the Provincial Accountant shall also certify the amount of said expenses annually, and shall represent the matter to the Representative Church Council and claim their intervention.

(c) Expenses as between party and party, including cases of accusations and appeals, shall in the fullest sense be in the discretion of the Bishop or Episcopal Synod, which, *e.g.*, and by way of illustration only, may refuse to award expenses notwithstanding success, if it is of opinion that it is on the whole expedient so to do.

(d) The Bishop or Episcopal Synod may remit the question of the amount of the expenses to the auditor of the Court of Session, or to such other person as it may appoint, and the decision of the said auditor or other person with regard to the amount of said expenses shall be final. Any award of expenses may be enforced by civil action.

37. The quorum of the Episcopal Synod, alike in accusations and in appeals, shall be four. In the event of an equal division of opinion, the judgment appealed against shall stand, and in accusations against Bishops the accused shall be acquitted. The Primus shall have no casting vote. In cases of dispute, other than accusations against Bishops, in which the Episcopal Synod exercises original jurisdiction, the Primus or presiding Bishop shall have a casting as well as a deliberative vote.

38. It shall be competent to the College of Bishops to issue orders of an interlocutory character dealing with procedure or like matters, and any writing, subscribed by the Primus or by any four Bishops, shall be conclusive evidence of such orders.

39. In all accusations and appeals the judgment or award of the Bishop (subject, where competent, to an appeal to the Episcopal Synod) and the judgment of the Episcopal Synod shall be final.

CANON LVI

OF DIFFERENCES AND DISPUTES

1. Subject to the provisions of trust-deeds, constitutions, and other like deeds, and to any agreement between the parties otherwise to refer the dispute, all disputes between members of congregations or of this Church as to questions affecting congregations or the Church shall be referred in cases where the Bishop is not concerned to the Bishop of the diocese in which the difference has arisen, and in cases where the Bishop is concerned (subject to section 32 of preceding Canon), or where the matter is extra-diocesan, or affects more than one diocese, direct to the Episcopal Synod, and the decision of the Bishop or of the Episcopal Synod shall be final.

2. In cases of reference to the Bishop of the diocese an appeal shall lie to the Episcopal Synod only by leave of the Bishop or of the College of Bishops. In all cases leave shall first be asked of the Bishop, and that within fourteen days of his giving judgment. If the Bishop refuse, the College of Bishops may, within fourteen days of the Bishop's refusal, be moved by written note only to give leave to appeal.

3. Unless otherwise provided in the Canons, or in any constitution, title, or writing regulating the matter, or by rules enacted under authority of the Canons, in cases of disputes coming before the Bishop he shall have full power to regulate procedure as he sees fit; to hear parties or to dispense with hearing them; to take such evidence as he sees fit, however informal; to consult his Chancellor or other legal adviser, or to dispense with consulting him; and generally to control procedure, and to deal with the appeal absolutely as he sees fit. The Episcopal Synod, in dealing with such matters because the Bishop is unable to act, or with appeals against a Bishop's judgment, shall have like powers.

CANON LVII

OF NOTICES PROVIDED FOR BY THIS CODE OF CANONS, AND OF THE INTERPRETATION OF THE CODE

1. Notices, including intimations and citations, shall be sufficiently served or given if sent by registered letter to the last known place of residence within the United Kingdom of the person to whom the notice, intimation, or citation falls to be given.

2. No objection shall be taken to the service of any notice which has duly reached the person to whom it fell to be given.

3. In cases where a notice falls to be given, or a paper to be lodged, within a prescribed time, the same shall be deemed duly given or lodged, provided it is posted by registered letter so as in due course of post to reach its destination before the expiry of the prescribed time.

4. The College of Bishops and the Bishop may authorise in special cases substituted or other service or notice, and, in case of any injustice being sustained by any party in respect of failure of receipt of notice, they may make such remedial provision in connexion therewith as they see fit.

5. The various forms in the Appendix shall be used as nearly as may be, but in no case shall variation in form affect the validity of any deed or act, unless the deviation has caused substantial injustice, in which case such remedy shall be given as is deemed expedient.

6. In this Code of Canons, unless the context otherwise requires, the following words shall have the following meanings:

Words in the plural shall include the singular or *vice versa*.

“Month” shall mean “calendar month.”

“Primus,” “Bishop,” “Dean,” “Synod Clerk,” and the like, shall include persons authorised to act and acting in these capacities.

“Senior Bishop” shall mean the Bishop, other than the Primus, senior by appointment to a diocese in this Church and capable of acting.

The “College of Bishops” shall mean the Bishops of this Church acting in a corporate capacity.

“Episcopal Synod” shall mean the Bishops of this Church assembled as a Synod duly convened and constituted.

“Licensed clergymen” shall mean those licensed in terms of Appendix XVIII.

The term “Vestry” shall include the managing body of a congregation by whatever name known.

“Canonical services” shall mean the services of Morning and Evening Prayer, Litany, and Holy Communion, and the Offices for Baptism, Confirmation, Matrimony, and Burial.

APPENDIX

APPENDIX

NOTE. *In using the forms in this Appendix, if another Bishop act for the Primus, he shall substitute Acting Primus for Primus. And in the use of forms in which the name of the Primus or Acting Primus appears as administrator of a diocese of which the see is vacant, after the words Bishop of ——— there shall be added the words administering the diocese of ———.*

No. I

Form of Mandate for the election of a Bishop

Whereas in the Providence of God the Bishopric of the diocese of ——— is at present vacant, We, ———, Bishop of ———, Primus, in our own name and that of our colleagues the Bishops of the Episcopal Church in Scotland, do hereby authorise and command you, the Clergy and Laity of the said Diocese, who may be entitled to vote in terms of the Code of Canons, to repair, within two months from the date of the receipt of this mandate by the Dean of the said diocese, to such place within the diocese as the said Dean shall appoint, and to elect for your Bishop a man of blameless conduct, orthodox in the faith, apt to teach, fit to govern, and having a good report as well of those who are without as of those within the Church.

In the meantime, we exhort you, individually and collectively, to consider well the sacred nature of the trust which we now commit to you, and the importance of the election which you are to make; and, having the fear of God and the peace of the Church perpetually in your view, to divest yourselves of all partiality and prejudice arising from any personal feeling, remembering that your choice will necessarily affect the interests, not of your diocese only, but also of the whole Church in Scotland. *Episcopatus unus est, cujus a singulis in solidum pars tenetur*, is a proposition venerable, not merely for its antiquity and its author, but because on its truth rests the possibility of exercising any discipline in the Church Catholic.

You are to have in view, therefore, not only the peace and good government of your diocese, with which you are most intimately

Appendix II

connected, but likewise the peace and harmony and good government of the whole Church. It is for securing the former of these objects that, when a diocese becomes vacant, the Presbyters of the said diocese and Laity therein, entitled to vote as aforesaid, have the privilege of electing their Bishop, and of presenting the person elected to the Bishops for consecration; and it is for securing the latter, which is at least of equal importance, that the Bishops possess the right of either confirming or setting aside the election made by the said Presbyters and Laity.

We earnestly pray that God may direct you by his Holy Spirit in all things, and especially in the discharge of this most important duty.

Given under our hand, at _____ this _____ day of _____,
in the year of our Lord _____, and of our consecration the
_____.

NOTE. *When the election is that of a Coadjutor-Bishop, under Canon VII, the form shall begin, Whereas the Episcopal Synod has decided that a Coadjutor-Bishop shall be appointed for the diocese of _____, We, etc.; the expression your Bishop shall be changed into your Coadjutor-Bishop; and the words when a diocese becomes vacant shall be omitted.*

No. II

Form of Proxy to be granted by an Elector unable to attend the meeting for the election of a Bishop, and of the Medical Certificate to be produced along with the same

I, an Elector of the diocese of _____, hereby authorise _____, being an Elector of the same order as myself, to attend the meeting which is to be held on _____, the _____ day of _____, for the election of a Bishop [or Coadjutor-Bishop] for the said diocese, and to vote for _____, whom failing, _____, whom again failing, _____, as Bishop [or Coadjutor-Bishop] of the said diocese.

(Signature and date.)

NOTE. *The Proxy must bear a penny stamp; if an adhesive stamp be used, the signature and the date must be written across the stamp. Two witnesses are required if the Proxy be not holograph of the granter.*

Appendix III

Form of Certificate to accompany the preceding

I, a registered Medical Practitioner, residing at ————, do hereby certify on soul and conscience that ———— is at present suffering from illness, and that he is unable to attend a meeting on business at ————, without risk of injury to his health.

(Signature and date.)

No. III

Declaration to be signed in triplicate by the Chairman of the meeting at which a Bishop is elected, and by a Lay Elector appointed by the Lay Electors present at the meeting

At ————, this ———— day of ————, in the year of our Lord ————. We, the Clergy and Laity of the diocese of ————, entitled to vote in terms of the Canons of the Episcopal Church in Scotland, having, in obedience to the mandate of the Most Reverend the Primus of the said Church, this day met together for the purpose of electing a Bishop to superintend the said diocese, did make choice of and elect to that sacred office ————, whom we now respectfully present to the Primus and his venerable colleagues for the confirmation of his election [and for his consecration] as our future Diocesan.

In witness whereof, these presents are, at the place and on the day above mentioned, and in presence of the meeting, signed on our behalf by the Chairman and by ———— [name and designation] appointed by the Lay Electors so to do.

The words and for his consecration to be omitted if the person elected be already a Bishop.

NOTE. When the election is that of a Coadjutor-Bishop, the same form shall be used with the substitution of the words a Coadjutor-Bishop for the said diocese for the words a Bishop to superintend the said diocese, and of the words for the confirmation of his election as our Coadjutor-Bishop [and for his consecration] for the words for the confirmation of his election [and for his consecration] as our future Diocesan.

Appendix IV, V

No. IV

Form of Confirmation of the election of a Bishop

We, ———, Bishop of ———, Primus of the Scottish Church, in our own name and in the name of the Diocesan Bishops of said Church, do hereby confirm the election of ——— to be the future Bishop (*or* Coadjutor-Bishop) of the diocese of ———.

In witness whereof, we have hereto affixed our signature and episcopal seal at ———, this ——— day of ———, in the year of our Lord ———, and of our consecration the ———.

No. V

Form of Certificate of the election of a Lay Elector, to be forwarded by the Chairman of the meeting to the Synod Clerk within ten days of the date of the meeting

To the Reverend ———, Synod Clerk of the diocese of ———
[Insert place and date] ———

At a meeting of the communicants of full age of the congregation of ———, duly summoned in terms of Canon V, and held on the ——— day of ———, 19——, [Here insert full name and designation], residing at ———, was elected Lay Elector of said congregation to hold office for three years from the* ——— day of ——— 19——.

(Signed) ———,
Chairman of meeting.

NOTE. If the election of the Lay Elector was made before the expiry of its present holder's term of office, the date to be inserted here* shall be that at which said term of office expires, being not more than six months after the date of the meeting (see Canon V. 2). If the election was made after a vacancy had occurred in the office of Lay Elector, the date to be inserted shall be the date on which the election was made.

Form of Declaration to be signed by a Lay Elector and forwarded to the Synod Clerk

I, A. B., declare that I have been confirmed, and am a communicant of the Episcopal Church in Scotland, and of no other ecclesiastical body not in full communion with the same.

(Signature and date.)

Appendix VI, VII, VIII

No. VI

*Form of Notice to be issued by the Synod Clerk of the expiry of
a Lay Elector's term of office*

To the Reverend ———, Rector [or Priest-in-charge] of ———.

I have to remind you, in terms of Canon V. 4, that the term of office of ———, the Lay Elector of your congregation, expires on the ——— day of ———.

(Signature.)

No. VII

Form of Requisition by a Bishop for the election of a Lay Elector

To the Reverend ———, Rector [or Priest-in-charge] of ———.

We, ———, by Divine permission Bishop of ———, do hereby authorise and require you to summon, by due notice, in terms of Canon V, a meeting of the communicants of full age of your congregation in order that they may at such meeting, if they see fit, proceed to the election of a Lay Elector in accordance with the provisions of the said Canon, the said meeting to be held not later than one month from this date. We do further require that, within ten days after such election, you do intimate to the Synod Clerk of the diocese the name and residence of the person chosen.

Given under our hand at ———, this ——— day of ———,
in the year of our Lord ———, and of our consecration
the ———.

No. VIII

Form of appointing a Commissary

—— by Divine permission Bishop of ———, to our well-beloved in Christ ——— greeting.

We hereby appoint you our Commissary for ——— months, from (date), to perform such acts within our diocese as are permitted to a Commissary by the Canons of this Church [and are competent to your Order].

NOTE. *The words in square brackets are to be omitted if the Commissary is a Bishop. If the Commission is not a general one, the sentence to perform, etc. shall be altered so as to state the purpose of the Commission.*

Appendix IX, X

No. IX

Form of Letters Testimonial for Holy Orders, to be subscribed by three or more Presbyters, and countersigned by the Bishop of the diocese in which the subscribers reside. To be addressed to the Bishop by whom the candidate is to be ordained

Whereas our well-beloved in Christ ——— hath declared to us his intention of offering himself a candidate for the sacred office of a Deacon (or Priest), and for that end hath requested of us Letters Testimonial of his learning and good behaviour —We, whose names are hereunto subscribed, do therefore testify that he hath been personally known to us for the space of three years last past;* that we have had opportunities of observing his conduct; that during the whole of that time we verily believe that he hath lived piously, soberly, and honestly, and diligently applied himself to his studies; nor have we at any time heard anything to the contrary thereof; nor doth he (as far as we know or believe) hold or maintain opinions contrary to the discipline or doctrine of the Episcopal Church in Scotland, as set forth in the Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and in the Thirty-nine Articles of Religion; and, moreover, in our conscience we believe him to be, as to his moral conduct, a person worthy to be admitted to the sacred Order of Deacons (or Priests).

In witness whereof, we have hereunto subscribed our names this day of ———, in the year of our Lord ———.

NOTE. The countersignature of the Bishop shall be in the following form: The Reverend ——— resides in my diocese and is worthy of credit.

No. X

Form of SI QUIS, to be read at the customary time for giving notices at Morning Service, or if there be no Morning Service at Evening Service, on some Sunday not more than one month and not less than fourteen days before the day appointed for the Ordination, and of the Certificate of the same having been published in the church of which the candidate is ordinarily a member

* NOTE. If any of the signatories has only known the candidate for a shorter period than three years he shall state the fact, but in every case the joint testimony of the signatories must cover the period of the three preceding years.

Appendix XI

Whereas ———, a member of this congregation, hath applied to ———, Bishop of ———, to be admitted into the Holy Order of Deacons (*or* Priests), and the Bishop hath appointed the ——— day of ——— for that purpose, This is to give notice, that if you, or any of you, know any just cause why the said person should not be ordained, you are hereby required to declare the same to me (*or* to the Rector [*or* Priest-in-charge] of this church), or to the Bishop aforesaid, ten days at least before the day fixed for the ordination.

Form of Certificate that the SI QUIS has been read

We do hereby certify that the above notice was publicly and audibly read in the church of ———, in the diocese of ———, during Divine Service, on Sunday the ——— day of ———, and that no impediment has been alleged.

Witness our hands this ——— day of ———.

———, *Minister.*

———, *Vestryman or Churchwarden.*

No. XI

Form of Letters Dimissory for Ordination

Whereas our well-beloved in Christ, ———, hath offered himself to us as a candidate for ordination and admission into the Holy Order of Deacons (*or* Priests), and hath produced the requisite testimonials, and hath made the subscriptions required by the Canons of this Church; and hath, moreover, been duly examined touching his knowledge for Holy Scripture and general learning, and hath been found sufficiently qualified for the holy office of a Deacon (*or* Priest), We, being prevented by sundry weighty causes from administering Holy Orders at this present time, and knowing that our Right Reverend brother the Bishop of ———, is about to administer Holy Orders, do, by these presents, grant our Letters Dimissory, commending the said person to our said Right Reverend brother, and earnestly requesting him in our stead to admit him into the Holy Order of Deacons (*or* Priests).

In witness whereof, we have subscribed these presents at ——— on this ——— day of ———, in the year of our Lord ———, and of our consecration the ———.

Appendix XII, XIII, XIV

No. XII

Form of Subscription to the Book of Common Prayer and the Thirty-nine Articles of Religion

I, _____, do solemnly make the following Declaration. I assent to the Thirty-nine Articles of Religion and to the Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons. I believe the doctrine of the Church as therein set forth to be agreeable to the Word of God, and in public prayer and administration of the Sacraments I will use the form in the said Book prescribed and none other except so far as shall be allowed by lawful authority in this Church.

(Signature and date.)

No. XIII

Form of Subscription promising Obedience to the Canons

I, _____, do hereby solemnly promise that I will give all due obedience to the Canons of the Episcopal Church in Scotland and to the decisions and judgments of the tribunals of the said Church, and I, in like manner, promise [that I will pay due and canonical obedience to the Right Reverend the Bishop of _____, and] that I will show, in all things, an earnest desire to promote the peace, unity, and order of the said Church, and will render due obedience to the decisions of the ecclesiastical authorities in all questions falling under their spiritual jurisdiction.

(Signature and date.)

*The words within brackets to be omitted in the case of a Bishop
subscribing.*

No. XIV

Form of Deed of Presentation to an Incumbency

To the Right Reverend Father in God,

_____, by Divine permission Bishop of _____.

We the undersigned, being the persons in whom the right of presentation is vested, in our own names, and in the name of the congregation assembling for the public worship of God in the church of _____ at _____, do hereby present to you, Right Reverend Father, for the purpose of his being admitted to the pastoral charge of the said congregation, the Reverend _____

Appendix XV

due provision having been made for his support as in terms intimated to your Reverence.

In witness whereof, we have subscribed these presents dated the _____ day of _____, in the year of our Lord _____.

NOTE. *The date to be inserted shall be that on which the latest signature was adhibited.*

The same form may be used in the case of an Independent Mission if the patronage thereof is not in the hands of the Bishop.

No. XV

Form of Deed of Institution to an Incumbency

_____, by Divine permission Bishop of _____, to our well-beloved in Christ, the Reverend _____ Greeting. We admit you to the Incumbency of _____ at _____ in the County of _____, within our diocese and jurisdiction, for institution to which you are presented to us by Deed of Presentation dated the _____ day of _____ granted by the patron [or patrons] thereof, as hath been established to our satisfaction, and we do hereby duly and canonically institute you in and to the said Incumbency and invest you with all and singular the rights and appurtenances thereto belonging, you having previously exhibited to us your Letters of Holy Orders and in our presence solemnly made and subscribed your assent to the Thirty-nine Articles of Religion and to the Book of Common Prayer, together with the Form of Making, Ordaining, and Consecrating of Bishops, Priests, and Deacons, and also pledged and subscribed obedience to the Canons of the Episcopal Church in Scotland and promised to pay true and canonical obedience to us and to our successors, and having also signed the constitution of the said Incumbency. And we do by these presents commit unto you the cure and government of the souls attached to the said Incumbency, with the district canonically assigned to the same, and do authorise you to administer God's holy Sacraments, to preach his holy Word, and to perform every other sacred office competent to a Presbyter, according to the rites and ceremonies of the Episcopal Church in Scotland. And we do hereby strictly prohibit and discharge every other clergyman from performing any function or sacred office within the said church, or from interfering directly or indirectly with the pastoral charge and cure of souls now committed unto you, except with your consent and approbation; always reserving

Appendix XV

the rights of us and of our successors, including the right to preach the Word of God, administer the holy Sacraments, and perform all other duties pertaining to the pastoral office in the said church or within your cure as provided in the Canons of this Church. And we straitly charge you to be very diligent in the performance of your duty towards those now committed to your care. You shall attend our Diocesan Synods and Visitations, and answer all such questions as we may find it expedient to put to you regarding your cure and your mode of instructing the members of your flock; submitting, if we shall require it, your sermons and public lectures of every kind, and the registers, and all Church property kept by you, to our inspection; and we earnestly pray God to bless and prosper all your labours, and to give you favour in the sight of them unto whom he sendeth you, that you may by them be very highly esteemed for your work's sake, and ever held in the reverence and honour due to your sacred calling; and we do hereby exhort and beseech those who are now committed to your pastoral care to listen, as becometh Christians, to your instructions and godly admonitions, as well private as public, and to esteem you very highly in love for your work's sake.

In testimony whereof, we have subscribed these presents, and caused our episcopal seal to be affixed thereto, at _____ on the _____ day of _____, in the year of our Lord _____, and of our consecration the _____.

NOTE. If the patronage has been exercised by the Bishop himself, the Deed of Institution shall be styled the Deed of Collation, and shall begin thus:

_____, by Divine permission Bishop of _____, to our well-beloved in Christ the Reverend _____ Greeting. We do by these presents collate you to the Incumbency of _____ at _____ in the County of _____, within our diocese and jurisdiction, and invest you with all and singular the rights and appurtenances thereto belonging [*here follows Deed in same terms as before*].

If the person signing the Deed of Institution be not the Bishop of the Diocese, for within our diocese and jurisdiction substitute in the diocese of _____; for us and our successors substitute the Bishop of _____ and his successors (twice); for our Diocesan Synods and Visitations substitute the Diocesan Synods and Visitations of the said Bishop and his successors, and for we in the next three lines substitute they, and for our inspection substitute their inspection.

Appendix XVI, XVII

If the person signing be a Commissary, for our episcopal seal substitute the episcopal seal of the said Bishop, and omit and of our consecration the ———.

No. XVI

Form of Testimonial for Institution to an Incumbency, or for Licence to a definite sphere of duty, to be subscribed by two or more Presbyters, and countersigned by the Bishop of the diocese in which the subscribers severally reside, and to be addressed to the Bishop to whom the right of institution or licence belongs

We, whose names are hereunto subscribed, do testify and make known, that the Reverend ——— hath been personally known to us for the space of three years last past;* that we have had opportunities of observing his conduct; that during the whole of that time we verily believe he hath lived piously, soberly, and honestly; nor doth he (as far as we know or believe) hold, maintain, or teach anything contrary to the discipline or doctrine of the Episcopal Church in Scotland, as set forth in the Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and in the Thirty-nine Articles of Religion, or that may hinder his usefulness in the ministry thereof, and, moreover, in our conscience we believe him to be, as to his moral conduct, a person worthy to be [instituted to the Incumbency of ———] or [licensed as ——— of ———].

In witness whereof, we have subscribed these presents.

(Add date.)

NOTE. *The countersignature of the Bishop shall be in the following form: The Reverend ——— resides in my diocese and is worthy of credit.*

No. XVII

Form of Nomination of an Assistant Curate, or of Title

To the Right Reverend Father in God, ———, Bishop of ———.

I, Rector (or Priest-in-charge) of ——— in your diocese, do hereby nominate ——— † to perform the office [or to the

* NOTE. If any of the signatories has only known the person presented for a shorter period than three years he shall state the fact, but in every case the joint testimony of the signatories must cover the period of the three preceding years.

† State if Priest or Deacon, and the University degree if any.

Appendix XVIII

Title] of Assistant Curate in the said church [or churches], at a yearly stipend of _____, payable in _____ instalments, for which stipend I am [or the Vestry of the said church is] hereby made responsible.

Witness my hand this _____ day of _____, in the year of our Lord_____.

(Signed) _____.

I agree to accept the Assistant Curacy of the church [or churches] of _____ on the above terms.

(Signed) _____.

NOTE. *In the case of a Title to any sphere of work directly under the Bishop, the nomination shall be after the following form:*

We, by Divine permission Bishop of _____, do hereby nominate _____ to the Title of _____ in our diocese, at the yearly stipend of _____, payable in _____ instalments, for which we are hereby for two years [or, in the case of a Title to the Priesthood, one year], unless otherwise mutually agreed, made responsible.

Given under our hand at _____ this _____ day of _____, in the year of our Lord _____, and of our consecration the _____.

(Signed) _____.

I agree to accept the Title of _____ on the above conditions.

(Signed) _____.

No. XVIII

Form of Licence to a Deacon or Priest to a definite sphere of duty involving regular pastoral work

The Reverend _____ having appeared before us, having exhibited to us his Letters of Orders and Testimonials, and (Title or nomination or appointment, as the case may be), and having, moreover, in our presence subscribed his assent to the Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and to the Thirty-nine Articles of Religion, and made the promise of obedience to the Canons of the Episcopal Church in Scotland, is hereby licensed to perform all the duties competent to

Appendix XIX, XX, XXI

his Order as _____ (here state the definite sphere of duty) in our diocese.

In witness whereof, we have subscribed these presents at — — —
this _____ day of _____, in the year of our Lord _____,
and of our consecration the _____.

NOTE. If the person signing be a Commissary, omit and of our consecration the _____.

No. XIX

Form of Permission to officiate

Diocese of — — — — —.

The Reverend _____ has my permission to officiate at
_____ in this diocese, from _____ to _____ 19 —.

(Signed) _____.

[Add date and place of signing.]

No. XX

Form of Inhibition of a Bishop, Priest, or Deacon

_____ by Divine permission Bishop of _____, to
_____.

Whereas we are informed that you purpose to officiate or preach within our diocese and jurisdiction, and whereas you have not been licensed by us, nor allowed to officiate or preach; We do therefore hereby admonish you not to officiate or preach within our diocese, and we do inhibit you from so officiating or preaching.

Given under our hand at _____, this _____ day of _____,
in the year of our Lord _____, and of our consecration the _____.

No. XXI

Nomination, Declaration, and Licence of Lay Readers or Catechists

FORM A

To the Right Reverend _____, Bishop of — — — — —.

These are to certify that I, Rector [or Priest-in-charge] of
_____ Church, _____, in your diocese, do hereby nominate

Appendix XXI

_____, residing at _____, to perform the office of Lay Reader (*or* Catechist) in the congregation attending the church aforesaid, and do humbly pray that you will be pleased to grant him your licence to perform the duties of the said office. A.B., residing at _____, and C.D., residing at _____, being adult male communicants, are ready to testify to his character and fitness.

Witness my hand this _____ day of _____, in the year of our Lord _____.

FORM B

I, being a regular communicant of the Episcopal Church in Scotland, do hereby declare my adherence to the doctrine of that Church as set forth in the Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and my earnest desire to be engaged under its authority in the service of Christ, and I promise:

1. That I will abide by such doctrine in my teaching.
2. That I will endeavour, as far as in me lies, to promote peace and unity in the Church, and to conduct myself as becomes a worker for Christ, for the good of his Church, and for the spiritual welfare of my fellow-men.
3. That I will act under the direction of the Bishop (*or* clergyman in charge of _____ Church, _____) in respect of the work for which I am licensed.
4. That I will submit myself to the provisions of Canon XXI and of any rules or regulations imposed by the Bishop of the diocese.

_____ (*Communicant*).

Declared before me _____ (*Clergyman*).

Rector [*or* Priest-in-charge] of _____.

(*Date*)_____.

FORM C

_____, by Divine permission Bishop of _____, to our well-beloved in Christ _____.

We do by these presents give unto you our licence and authority to perform the office of Lay Reader (*or* Catechist) [in the district *or* church of _____] within this our diocese, and we do authorise you accordingly to teach in the schools, to visit the sick, to read and explain the Holy Scriptures, to exhort and to pray in

Appendix XXII

private households, to hold such services as we shall approve, and generally to render aid [to the clergyman] in all ministrations which do not require the services of a minister in Holy Orders:

[Provided always that this licence shall not authorise anything to be done in the district except at the request and with the consent of the said clergyman.]

(The words within brackets above to be omitted where there is no clergyman.)

In witness whereof, we have subscribed these presents at — — —
on the — — — day of — — —, in the year of our
Lord — — —, and of our consecration the — — —.

This licence is revocable by the Bishop at pleasure, and the form may be altered by the Bishop to suit individual cases.

NOTE. If the person signing be a Commissary, omit and of our consecration the — — —.

No. XXII

Testimonial, Nomination, Declaration, and Licence of Deaconesses

1. Form of Testimonial for Admission to the Order of Deaconesses to be Subscribed by Two or more Communicants.

We, whose names are hereunto subscribed, do testify and make known that — — — hath been personally known to us for the space of three years last past;* that we have had opportunities of observing her conduct; that during the whole of that time we verily believe she hath lived piously, soberly, and honestly; nor doth she (so far as we know or believe) hold, maintain, or teach anything contrary to the discipline or doctrine of the Episcopal Church in Scotland, as set forth in the Book of Common Prayer and of the Ordering of Bishops, Priests and Deacons, or that may hinder her usefulness in the service thereof, and, moreover, in our conscience we believe her to be, as to her moral conduct, a person worthy to be admitted to the Order of Deaconesses.

* NOTE. If any of the signatories has only known the person for a shorter period than three years, he shall state the fact, but in every case the joint testimony of the signatories must cover the period of the three preceding years.

Appendix XXII

2. *Nomination, Declaration and Licence of Deaconesses.*

(A) To the Right Reverend the Bishop of _____.

These are to certify that I, Rector (*or* Priest-in-charge) of _____ Church _____ do hereby nominate _____, residing at _____, to perform the office of Deaconess in the congregation attending the church aforesaid, and do humbly pray that you will be pleased to grant your licence to her to perform the duties of the said office.

Witness my hand this _____ day of _____, in the year of our Lord _____.

(B) I, being a regular communicant of the Episcopal Church in Scotland, do hereby declare my adherence to the doctrine of that Church as set forth in the Book of Common Prayer and of the Ordering of Bishops, Priests, and Deacons, and my earnest desire to be engaged under its authority in the service of Christ, and I promise:

1. That I will abide by such doctrine in my teaching.
2. That I will endeavour, as far as in me lies, to promote peace and unity in the Church, and to conduct myself as becomes a worker for Christ, for the good of his Church.
3. That I will act under the direction of the Bishop (*or* clergyman in charge of _____ Church, _____) in respect of the work for which I am licensed.
4. That I will submit myself to the provisions of Canon XXII, and of any rules or regulations imposed by the Bishop of the Diocese.

Declared before me, _____, Rector (*or* Priest-in-charge) of _____.

(Date) _____.

(C) _____, by Divine permission Bishop of _____, to our well-beloved in Christ _____.

We do by these presents give unto you our licence and authority to exercise the office of Deaconess in the district (*or* church) of _____ within this our diocese, and we do authorise you accordingly to perform such duties as pertain to a Deaconess.

[Provided always that this licence shall not authorise anything to be done in the district except at the request and with the consent of the Rector or Priest-in-charge.]

Appendix XXIII, XXIV

(The words within brackets above to be omitted where there is no clergyman.)

In witness whereof, we have subscribed these presents at _____
on the _____ day of _____, in the year of our Lord
_____, and of our consecration the _____.

NOTE. If the person signing be a Commissary, omit and of our consecration the _____.

No. XXIII

Form of appointing a Dean of a diocese

We, _____, by Divine permission Bishop of _____,
do, by these presents, constitute and appoint the Reverend _____
to be Dean of the diocese of _____, in room of the Very
Reverend _____, late (or formerly) Dean, with power to
perform such acts as belong to the office of Dean according to the
Canons of the Episcopal Church in Scotland, and subject to the
conditions thereof.

In witness whereof, we have subscribed these presents and
caused our episcopal seal to be affixed thereto, at _____,
this _____ day of _____, in the year of our Lord
_____, and of our consecration the _____.

No. XXIV

Form of Mandate for the election of Representatives to a Provincial Synod

To the Very Reverend _____, Dean of the diocese of _____.

We, _____, by Divine permission Bishop of _____,
Primus of the Scottish Church, having, in concurrence with the
Bishops [or the majority of the Bishops] of this Church, determined
to convene a Provincial Synod, to meet at _____ on the _____
day of _____, do hereby require and enjoin you to take the
necessary steps for convening a meeting of the clergy in your
diocese entitled to vote, for the purpose of electing representatives
to such Provincial Synod, in terms of the Canons of this Church.

Given under our hand at _____, this _____ day of _____,
in the year of our Lord _____, and of our consecration
the _____.

Appendix XXV, XXVI

No. XXV

Form of Proxy to be granted by a Presbyterian entitled to vote, but unable, on account of illness, to attend the meeting for the election of Representatives to a Provincial Synod, and relative Medical Certificate

I, _____, a Presbyterian of the diocese of _____, do hereby authorise _____, a Presbyterian of the said diocese entitled to vote, to vote on my behalf at the meeting to be held at _____ on the _____ day of _____, for the election of the representatives of the clergy of the said diocese to the Provincial Synod.

(Signature and date.)

NOTE. *The Proxy must bear a penny stamp; if an adhesive stamp be used, the signature and the date must be written across the stamp. Two witnesses are required to the signature if the Proxy be not holograph of the granter.*

Form of Certificate to accompany the preceding

I, a registered Medical Practitioner, residing at _____, do hereby certify on soul and conscience that _____ is at present suffering from illness, and that he is unable to attend a meeting on business at _____, without risk of injury to his health.

(Signature and date.)

No. XXVI

Constitution of the Consultative Council on Church Legislation, as accepted by the Episcopal Synod on 26th October 1905

1. The Council shall consist of the Bishops; five clerical and five lay members, nominated by them in meeting assembled; so many clerical members from each diocese as equal the number each diocese would be entitled at the time of election to elect as clerical members of the Provincial Synod; and an equal number of lay members from each diocese.

2. The election of members shall be triennial. In the case of diocesan members the clergy shall be elected by the clerical members and the lay members by the lay members of the Diocesan Council at the annual meeting of each Council, or at any special meeting called for the purpose. The clerical and lay members shall belong to the diocese electing them, but the lay members need not

Appendix XXVI

be members of the Diocesan Council. Members shall hold office until their successors are elected.

3. Casual vacancies shall be filled up by the electors as soon as may be after any vacancy.

4. The election of lay members shall not be valid until they shall have signed a declaration that they have been confirmed, and are communicants of the Episcopal Church in Scotland, and are members of the said Church and of no other ecclesiastical body not in full communion with the same.

5. The Consultative Council shall elect its own Convener. In case of the absence of the Convener any meeting of the Council may elect its own Chairman.

6. Subject to the Canons and this constitution, the Council may regulate its own procedure and methods of transacting business; including power—

- (1) To arrange the time and place of meetings, the notice to be given thereof, and at whose instance meetings may be called.
- (2) To arrange as to meeting in public or private.
- (3) To appoint officers.
- (4) To delegate its business to committees.

7. The Council shall report the result of each meeting forthwith to the Clerk of the Episcopal Synod, who shall communicate it to the next Episcopal Synod; and such report shall be published by the Episcopal Synod for the information of the Church, and when a division has been taken the numbers shall be reported.

8. If any ten members so desire, the three orders shall separate and debate by orders, and if any ten members so desire, shall vote by orders, in which case the numbers of the vote in each order shall be recorded; but resolutions shall be passed or negatived by a majority of the members present.

9. Subject to the Canons, the Council may alter this constitution, but only with the consent of a majority of each order present and voting; provided that no alteration shall be valid unless and until passed at one meeting, and confirmed by another held not earlier than three months after the first meeting, and unless and until approved of by the Provincial Synod.

Signed on behalf of the Episcopal Synod,

ARTH : MORAVIEN : ROSSEN : ET CATHANEN :,

Clerk to the Episcopal Synod.

26th October 1905

Appendix XXVII, XXVIII

No. XXVII

Form of Appeal

In the matter of an accusation at the instance of [*state parties' names*] against [*state accused's name*].

[*State name of parties appealing*] appeal against the judgment of the Bishop of _____ .

NOTE. *In other appeals this form shall be followed as nearly as may be.*

No. XXVIII

A Table of Kindred and Affinity, wherein whosoever are related are forbidden by our ecclesiastical Laws to marry together

A Man may not marry his

1. Grandmother,
2. Grandfather's wife,
3. Wife's grandmother.
4. Father's sister,
5. Mother's sister,
6. Father's brother's wife.
7. Mother's brother's wife,
8. Wife's father's sister,
9. Wife's mother's sister.
10. Mother,
11. Step-mother,
12. Wife's mother.
13. Daughter,
14. Wife's daughter,
15. Son's wife.
16. Sister,
17. Wife's sister,
18. Brother's wife.
19. Son's daughter,
20. Daughter's daughter,
21. Son's son's wife.
22. Daughter's son's wife,
23. Wife's son's daughter,
24. Wife's daughter's daughter.
25. Brother's daughter,
26. Sister's daughter,
27. Brother's son's wife.
28. Sister's son's wife,
29. Wife's brother's daughter,
30. Wife's sister's daughter.

A Woman may not marry with her

1. Grandfather,
2. Grandmother's husband,
3. Husband's grandfather.
4. Father's brother,
5. Mother's brother,
6. Father's sister's husband.
7. Mother's sister's husband,
8. Husband's father's brother,
9. Husband's mother's brother.
10. Father,
11. Step-father,
12. Husband's father.
13. Son,
14. Husband's son,
15. Daughter's husband.
16. Brother,
17. Husband's brother,
18. Sister's husband.
19. Son's son,
20. Daughter's son,
21. Son's daughter's husband.
22. Daughter's daughter's husband,
23. Husband's son's son,
24. Husband's daughter's son.
25. Brother's son,
26. Sister's son,
27. Brother's daughter's husband.
28. Sister's daughter's husband,
29. Husband's brother's son,
30. Husband's sister's son.

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NOTE. *The following Index was prepared by order of the Provincial Synod. It is intended only as a help to the study of the Canons, and nothing can be legally inferred from either its statements or its omissions.*

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* Appeal allowed to Episcopal Synod under certain circumstances.

† Consent, by defined majority, of Presbyters present in Synod and qualified to vote, required in some cases; or, of a Committee of Synod in some other cases.

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ARTICLES OF RELIGION

ARTICLES OF RELIGION

AGREED UPON
IN THE CONVOCATION
HOLDEN AT LONDON IN THE YEAR 1562

AND REFERRED TO IN THE CANONS OF
THE EPISCOPAL CHURCH IN SCOTLAND

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| 2. <i>Of Christ the Son of God.</i> | 23. <i>Of Ministering in the Congregation.</i> |
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I. *Of Faith in the Holy Trinity.*

THERE is but one living and true God, everlasting, without body, parts, or passions; of infinite power, wisdom, and goodness; the Maker, and Preserver of all things both visible and invisible. And in unity of this Godhead there be three Persons, of one substance, power, and eternity; the Father, the Son, and the Holy Ghost.

II. *Of the Word or Son of God, which was made very Man.*

THE Son, which is the Word of the Father, begotten from everlasting of the Father, the very and eternal God, and of one substance with the Father, took man's nature in the womb of the blessed Virgin, of her substance: so that two whole and perfect Natures, that is to say, the Godhead and manhood, were joined together in one Person, never to be divided, whereof is one Christ, very God, and very man; who truly suffered, was crucified, dead and buried, to reconcile his Father to us, and to be a sacrifice, not only for original guilt, but also for all actual sins of men.

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III. *Of the going down of Christ into Hell.*

AS Christ died for us, and was buried: so also is it to be believed, that he went down into Hell.

IV. *Of the Resurrection of Christ.*

CHRIST did truly rise again from death, and took again his body, with flesh, bones, and all things appertaining to the perfection of man's nature; wherewith he ascended into Heaven, and there sitteth, until he return to judge all men at the last day.

V. *Of the Holy Ghost.*

THE Holy Ghost, proceeding from the Father and the Son, is of one substance, majesty, and glory, with the Father and the Son, very and eternal God.

VI. *Of the Sufficiency of the holy Scriptures for salvation.*

HOLY Scripture containeth all things necessary to salvation: so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of the faith, or be thought requisite or necessary to salvation. In the name of the holy Scripture we do understand those Canonical Books of the Old and New Testament, of whose authority was never any doubt in the Church.

Of the Names and Number of the Canonical Books.

Genesis,	The First Book of Chronicles,
Exodus,	The Second Book of Chronicles,
Leviticus,	The First Book of Esdras,
Numbers,	The Second Book of Esdras,
Deuteronomy,	The Book of Esther,
Joshua,	The Book of Job,
Judges,	The Psalms,
Ruth,	The Proverbs,
The First Book of Samuel,	Ecclesiastes or Preacher,
The Second Book of Samuel,	Cantica, or Songs of Solomon,
The First Book of Kings,	Four Prophets the greater,
The Second Book of Kings,	Twelve Prophets the less.

And the other Books (as Hierome saith) the Church doth read for example of life and instruction of manners; but yet doth it not apply them to establish any doctrine; such are these following:

The Third Book of Esdras,	Baruch the Prophet,
The Fourth Book of Esdras,	The Song of the Three Children,
The Book of Tobias,	The Story of Susanna,
The Book of Judith,	Of Bel and the Dragon,
The rest of the Book of Esther,	The Prayer of Manasses,
The Book of Wisdom,	The First Book of Maccabees,
Jesus the Son of Sirach,	The Second Book of Maccabees.

All the Books of the New Testament, as they are commonly received, we do receive, and account them Canonical.

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VII. Of the Old Testament.

THE Old Testament is not contrary to the New: for both in the Old and New Testament everlasting life is offered to mankind by Christ, who is the only Mediator between God and man, being both God and man. Wherefore they are not to be heard, which feign that the old Fathers did look only for transitory promises. Although the Law given from God by Moses, as touching Ceremonies and Rites, do not bind Christian men, nor the civil precepts thereof ought of necessity to be received in any Commonwealth; yet notwithstanding, no Christian man whatsoever is free from the obedience of the Commandments which are called Moral.

VIII. Of the Three Creeds.

THE Three Creeds, Nicene Creed, Athanasius's Creed, and that which is commonly called the Apostles' Creed, ought thoroughly to be received and believed: for they may be proved by most certain warrants of holy Scripture.

IX. Of Original or Birth-sin.

ORIGINAL Sin standeth not in the following of Adam, (as the Pelagians do vainly talk;) but it is the fault and corruption of the Nature of every man, that naturally is ingendered of the offspring of Adam; whereby man is very far gone from original righteousness, and is of his own nature inclined to evil, so that the flesh lusteth always contrary to the spirit; and therefore in every person born into this world, it deserveth God's wrath and damnation. And this infection of nature doth remain, yea in them that are regenerated; whereby the lust of the flesh, called in the Greek, *φρόνημα σαρκός*, which some do expound the wisdom, some sensuality, some the affection, some the desire, of the flesh, is not subject to the Law of God. And although there is no condemnation for them that believe and are baptized, yet the Apostle doth confess, that concupiscence and lust hath of itself the nature of sin.

X. Of Free-Will.

THE condition of man after the fall of Adam is such, that he cannot turn and prepare himself, by his own natural strength and good works, to faith, and calling upon God: Wherefore we have no power to do good works pleasant and acceptable to God, without the grace of God by Christ preventing us, that we may have a good will, and working with us, when we have that good will.

XI. Of the Justification of Man.

WE are accounted righteous before God, only for the merit of our Lord and Saviour Jesus Christ by faith, and not for our own works or deservings: Wherefore, that we are justified by faith only is a most wholesome doctrine, and very full of comfort, as more largely is expressed in the Homily of Justification.

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XII. Of Good Works.

ALBEIT that good works, which are the fruits of faith, and follow after Justification, cannot put away our sins, and endure the severity of God's Judgement; yet are they pleasing and acceptable to God in Christ, and do spring out necessarily of a true and lively faith; insomuch that by them a lively faith may be as evidently known as a tree discerned by the fruit.

XIII. Of Works before Justification.

WORKS done before the grace of Christ, and the inspiration of his Spirit, are not pleasant to God, forasmuch as they spring not of faith in Jesu Christ, neither do they make men meet to receive grace, or (as the School-authors say) deserve grace of congruity: yea rather, for that they are not done as God hath willed and commanded them to be done, we doubt not but they have the nature of sin.

XIV. Of Works of Supererogation.

VOLUNTARY works besides, over and above, God's Commandments, which they call Works of Supererogation, cannot be taught without arrogancy and impiety: for by them men do declare, that they do not only render unto God as much as they are bound to do, but that they do more for his sake, than of bounden duty is required: whereas Christ saith plainly, When ye have done all that are commanded to you, say, We be unprofitable servants.

XV. Of Christ alone without Sin.

CHRIST in the truth of our nature was made like unto us in all things, sin only except, from which he was clearly void, both in his flesh, and in his spirit. He came to be the Lamb without spot, who, by sacrifice of himself once made, should take away the sins of the world, and sin, as Saint John saith, was not in him. But all we the rest, although baptized, and born again in Christ, yet offend in many things; and if we say we have no sin, we deceive ourselves, and the truth is not in us.

XVI. Of Sin after Baptism.

NOT every deadly sin willingly committed after Baptism is sin against the Holy Ghost, and unpardonable. Wherefore the grant of repentance is not to be denied to such as fall into sin after Baptism. After we have received the Holy Ghost, we may depart from grace given, and fall into sin, and by the grace of God we may arise again, and amend our lives. And therefore they are to be condemned, which say, they can no more sin as long as they live here, or deny the place of forgiveness to such as truly repent.

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XVII. Of Predestination and Election.

PREDESTINATION to life is the everlasting purpose of God, whereby (before the foundations of the world were laid) he hath constantly decreed by his counsel secret to us, to deliver from curse and damnation those whom he hath chosen in Christ out of mankind, and to bring them by Christ to everlasting salvation, as vessels made to honour. Wherefore, they which be endued with so excellent a benefit of God be called according to God's purpose by his Spirit working in due season: they through grace obey the calling: they be justified freely: they be made sons of God by adoption: they be made like the image of his only-begotten Son Jesus Christ: they walk religiously in good works, and at length, by God's mercy, they attain to everlasting felicity.

As the godly consideration of predestination, and our election in Christ, is full of sweet, pleasant, and unspeakable comfort to godly persons, and such as feel in themselves the working of the Spirit of Christ, mortifying the works of the flesh, and their earthly members, and drawing up their mind to high and heavenly things, as well because it doth greatly establish and confirm their faith of eternal salvation to be enjoyed through Christ, as because it doth fervently kindle their love towards God: So, for curious and carnal persons, lacking the Spirit of Christ, to have continually before their eyes the sentence of God's predestination, is a most dangerous downfall, whereby the devil doth thrust them either into desperation, or into wretchlessness of most unclean living, no less perilous than desperation.

Furthermore, we must receive God's promises in such wise, as they be generally set forth to us in holy Scripture: and, in our doings, that will of God is to be followed, which we have expressly declared unto us in the Word of God.

XVIII. Of obtaining eternal Salvation only by the Name of Christ.

THEY also are to be had accursed that presume to say, That every man shall be saved by the law or sect which he professeth, so that he be diligent to frame his life according to that law, and the light of nature. For holy Scripture doth set out unto us only the Name of Jesus Christ, whereby men must be saved.

XIX. Of the Church.

THE visible Church of Christ is a congregation of faithful men, in the which the pure Word of God is preached, and the Sacraments be duly ministered according to Christ's ordinance in all those things that of necessity are requisite to the same.

As the Church of Jerusalem, Alexandria, and Antioch, have erred; so also the Church of Rome hath erred, not only in their living and manner of ceremonies, but also in matters of faith.

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XX. Of the Authority of the Church.

THE Church hath power to decree Rites or Ceremonies, and authority in controversies of faith: And yet it is not lawful for the Church to ordain any thing that is contrary to God's Word written, neither may it so expound one place of Scripture, that it be repugnant to another. Wherefore, although the Church be a witness and a keeper of holy Writ, yet, as it ought not to decree any thing against the same, so besides the same ought it not to enforce any thing to be believed for necessity of salvation.

XXI. Of the Authority of General Councils.

GENERAL Councils may not be gathered together without the commandment and will of Princes. And when they be gathered together, (forasmuch as they be an assembly of men, whereof all be not governed with the Spirit and Word of God,) they may err, and sometimes have erred, even in things pertaining unto God. Wherefore things ordained by them as necessary to salvation have neither strength nor authority, unless it may be declared that they be taken out of holy Scripture.

XXII. Of Purgatory.

THE Romish doctrine concerning Purgatory, Pardons, Worshipping and Adoration, as well of Images as of Reliques, and also invocation of Saints, is a fond thing vainly invented, and grounded upon no warranty of Scripture, but rather repugnant to the Word of God.

XXIII. Of Ministering in the Congregation.

IT is not lawful for any man to take upon him the office of public preaching, or ministering the Sacraments in the Congregation, before he be lawfully called, and sent to execute the same. And those we ought to judge lawfully called and sent, which be chosen and called to this work by men who have public authority given unto them in the Congregation, to call and send Ministers into the Lord's vineyard.

XXIV. Of speaking in the Congregation in such a tongue as the people understandeth.

IT is a thing plainly repugnant to the Word of God, and the custom of the Primitive Church, to have public Prayer in the Church, or to minister the Sacraments in a tongue not understood of the people.

XXV. Of the Sacraments.

SACRAMENTS ordained of Christ be not only badges or tokens of Christian men's profession, but rather they be certain sure witnesses, and effectual signs of grace, and God's goodwill towards us, by the which he doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our faith in him.

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There are two Sacraments ordained of Christ our Lord in the Gospel, that is to say, Baptism, and the Supper of the Lord.

Those five commonly called Sacraments, that is to say, Confirmation, Penance, Orders, Matrimony, and Extreme Unction, are not to be counted for Sacraments of the Gospel, being such as have grown partly of the corrupt following of the Apostles, partly are states of life allowed in the Scriptures; but yet have not like nature of Sacraments with Baptism, and the Lord's Supper, for that they have not any visible sign or ceremony ordained of God.

The Sacraments were not ordained of Christ to be gazed upon, or to be carried about, but that we should duly use them. And in such only as worthily receive the same they have a wholesome effect or operation: but they that receive them unworthily purchase to themselves damnation, as Saint Paul saith.

XXVI. Of the Unworthiness of the Ministers, which hinders not the effect of the Sacrament.

ALTHOUGH in the visible Church the evil be ever mingled with the good, and sometimes the evil have chief authority in the ministration of the Word and Sacraments, yet forasmuch as they do not the same in their own name, but in Christ's, and do minister by his commission and authority, we may use their Ministry, both in hearing the Word of God, and in receiving of the Sacraments. Neither is the effect of Christ's ordinance taken away by their wickedness, nor the grace of God's gifts diminished from such as by faith and rightly do receive the Sacraments ministered unto them; which be effectual, because of Christ's institution and promise, although they be ministered by evil men.

Nevertheless, it appertaineth to the discipline of the Church, that inquiry be made of evil Ministers, and that they be accused by those that have knowledge of their offences; and finally being found guilty, by just judgement, be deposed.

XXVII. Of Baptism.

BAPTISM is not only a sign of profession, and mark of difference, whereby Christian men are discerned from others that be not christened, but it is also a sign of Regeneration or new birth, whereby, as by an instrument, they that receive Baptism rightly are grafted into the Church; the promises of forgiveness of sin, and of our adoption to be the sons of God by the Holy Ghost, are visibly signed and sealed; faith is confirmed, and grace increased by virtue of prayer unto God. The Baptism of young children is in any wise to be retained in the Church, as most agreeable with the institution of Christ.

XXVIII. Of the Lord's Supper.

THE Supper of the Lord is not only a sign of the love that Christians ought to have among themselves one to another; but rather is a Sacrament of our redemption by Christ's death: insomuch that to

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such as rightly, worthily, and with faith, receive the same, the bread which we break is a partaking of the Body of Christ; and likewise the Cup of Blessing is a partaking of the Blood of Christ.

Transubstantiation (or the change of the substance of bread and wine) in the Supper of the Lord, cannot be proved by holy Writ; but is repugnant to the plain words of Scripture, overthroweth the nature of a Sacrament, and hath given occasion to many superstitions.

The Body of Christ is given, taken, and eaten, in the Supper, only after an heavenly and spiritual manner. And the mean whereby the Body of Christ is received and eaten in the Supper is faith.

The Sacrament of the Lord's Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped.

XXIX. Of the Wicked which eat not the Body of Christ in the use of the Lord's Supper.

THE wicked, and such as be void of a lively faith, although they do carnally and visibly press with their teeth (as Saint Augustine saith) the Sacrament of the Body and Blood of Christ, yet in no wise are they partakers of Christ: but rather to their condemnation do eat and drink the sign or Sacrament of so great a thing.

XXX. Of both kinds.

THE Cup of the Lord is not to be denied to the Lay-people: for both the parts of the Lord's Sacrament, by Christ's ordinance and commandment, ought to be ministered to all Christian men alike.

XXXI. Of the one Oblation of Christ finished upon the Cross.

THE Offering of Christ once made is that perfect redemption, propitiation, and satisfaction, for all the sins of the whole world, both original and actual; and there is none other satisfaction for sin, but that alone. Wherefore the sacrifices of Masses, in the which it was commonly said, that the Priests did offer Christ for the quick and the dead, to have remission of pain or guilt, were blasphemous fables, and dangerous deceits.

XXXII. Of the Marriage of Priests.

BISHOPS, Priests, and Deacons, are not commanded by God's Law, either to vow the estate of single life, or to abstain from marriage. Therefore it is lawful for them, as for all other Christian men, to marry at their own discretion, as they shall judge the same to serve better to godliness.

XXXIII. Of excommunicate Persons, how they are to be avoided.

THAT person which by open denunciation of the Church is rightly cut off from the unity of the Church, and excommunicated, ought to be taken of the whole multitude of the faithful, as an Heathen and Publican, until he be openly reconciled by penance, and received into the Church by a judge that hath authority thereunto.

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XXXIV. *Of the Traditions of the Church.*

IT is not necessary that Traditions and Ceremonies be in all places one, and utterly like; for at all times they have been divers, and may be changed according to the diversities of countries, times, and men's manners, so that nothing be ordained against God's Word. Whosoever through his private judgement, willingly and purposely, doth openly break the Traditions and Ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked openly, (that others may fear to do the like,) as he that offendeth against the common order of the Church, and hurteth the authority of the Magistrate, and woundeth the consciences of the weak brethren.

Every particular or national Church hath authority to ordain, change, and abolish, Ceremonies or Rites of the Church ordained only by man's authority, so that all things be done to edifying.

XXXV. *Of the Homilies.*

THE second Book of Homilies, the several titles whereof we have joined under this Article, doth contain a godly and wholesome doctrine, and necessary for these times, as doth the former Book of Homilies, which were set forth in the time of Edward the Sixth; and therefore we judge them to be read in Churches by the Ministers, diligently and distinctly, that they may be understood of the people.

Of the Names of the Homilies.

- | | |
|--|--|
| 1 Of the right Use of the Church. | 10 Of the reverend estimation of God's Word. |
| 2 Against peril of Idolatry. | 11 Of Alms-doing. |
| 3 Of repairing and keeping clean of Churches. | 12 Of the Nativity of Christ. |
| 4 Of good works: first of Fasting. | 13 Of the Passion of Christ. |
| 5 Against gluttony and drunkenness. | 14 Of the Resurrection of Christ. |
| 6 Against excess of apparel. | 15 Of the worthy receiving of the Sacrament of the Body and Blood of Christ. |
| 7 Of Prayer. | 16 Of the Gifts of the Holy Ghost. |
| 8 Of the place and time of Prayer. | 17 For the Rogation-days. |
| 9 That Common Prayers and Sacraments ought to be ministered in a known tongue. | 18 Of the State of Matrimony. |
| | 19 Of Repentance. |
| | 20 Against idleness. |
| | 21 Against rebellion. |

XXXVI. *Of Consecration of Bishops and Ministers.*

THE Book of Consecration of Archbishops and Bishops, and Ordering of Priests and Deacons, lately set forth in the time of Edward the Sixth, and confirmed at the same time by authority of Parliament, doth contain all things necessary to such Consecration and Ordering: neither hath it any thing, that of itself is superstitious and ungodly. And therefore whosoever are consecrated or ordered according to the

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Rites of that Book, since the second year of the forenamed King Edward unto this time, or hereafter shall be consecrated or ordered according to the same Rites, we decree all such to be rightly, orderly, and lawfully consecrated and ordered.

XXXVII. Of the Civil Magistrates.

THE King's Majesty hath the chief power in this Realm of England, and other his Dominions, unto whom the chief government of all Estates of this Realm, whether they be Ecclesiastical or Civil, in all causes doth appertain, and is not, nor ought to be, subject to any foreign jurisdiction.

Where we attribute to the King's Majesty the chief government, by which titles we understand the minds of some slanderous folks to be offended; we give not to our Princes the ministering either of God's Word, or of the Sacraments, the which thing the Injunctions also lately set forth by Elizabeth our Queen do most plainly testify; but that only prerogative, which we see to have been given always to all godly Princes in holy Scriptures by God himself; that is, that they should rule all estates and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn and evildoers.

The Bishop of Rome hath no jurisdiction in this Realm of England.

The Laws of the Realm may punish Christian men with death, for heinous and grievous offences.

It is lawful for Christian men, at the commandment of the Magistrate, to wear weapons, and serve in the wars.

XXXVIII. Of Christian men's Goods, which are not common.

THE riches and goods of Christians are not common, as touching the right, title, and possession of the same, as certain Anabaptists do falsely boast. Notwithstanding, every man ought, of such things as he possesseth, liberally to give alms to the poor, according to his ability.

XXXIX. Of a Christian man's Oath.

AS we confess that vain and rash swearing is forbidden Christian men by our Lord Jesus Christ, and James his Apostle, so we judge that Christian Religion doth not prohibit, but that a man may swear when the Magistrate requireth, in a cause of faith and charity, so it be done according to the Prophet's teaching, in justice, judgement, and truth.

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